

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
Room WW54  
Tuesday, January 11, 2022

SUBJECT	DESCRIPTION	PRESENTER
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No meeting scheduled

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Thursday, January 13, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Guthrie, Agenbroad, Riggs, and Burgoyne

**ABSENT/ EXCUSED:** Senators Lakey and Ward-Engelking

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:31 p.m.

**WELCOME AND OPENING REMARKS:** **Chairman Patrick** welcomed everyone to the first meeting. **Chairman Patrick** introduced the Senate Page Haydon Madison and asked him to tell the Committee about himself. **Mr. Madison** remarked he is a senior and attends Nampa High School. In response to a question from **Vice Chair Souza**, **Mr. Madison** reported being at the Senate was a wonderful experience. He noted he liked wrestling and boxing. He indicated he is working on his mortgage broker's license and has an internship at a mortgage firm. He will be attending Boise State University majoring in business. **Senator Burgoyne** remarked he found the description of Mr. Madison's senior year interesting and he was impressed with his pursuit of a mortgage broker's license.

**RULES REVIEW:** **Chairman Patrick** outlined all the agencies that report to the Committee. He remarked agencies would be sending red-line items to the Committee.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chair Souza.

**Vice Chair Souza** gave a brief overview of the rule assignments and indicated a spreadsheet would be emailed to the Committee. She remarked there were many omnibus rules with no significant changes. She then assigned the rules from the Idaho Division of Professional Licenses (DOPL) to some of the Committee members.

**PASSED THE GAVEL:** Vice Chair Souza passed the gavel to Chairman Patrick.

**Chairman Patrick** asked if there were any comments or questions from the Committee.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 1:43 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, January 18, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
<b>MINUTES APPROVAL:</b>	Minutes of January 13, 2022	Vice Chair Souza
<a href="#"><u>09-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 6	Jani Revier, Director, Idaho Department of Labor
<a href="#"><u>12-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 58	Anthony Polidori, Deputy Director, Idaho Department of Finance
<a href="#"><u>12-0000-2100F</u></a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, p. 5	Anthony Polidori
<a href="#"><u>24-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 407	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>24-3960-2100</u></a>	Rules Governing Uniform School Building Safety, p. 414	Tim Frost
<a href="#"><u>24-0000-2100F</u></a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, p. 84	Tim Frost
<a href="#"><u>24-3980-2100</u></a>	Idaho Minimum Safety Standards and Practices for Logging, p. 417	Tim Frost
<a href="#"><u>24-0501-2100F</u></a>	Rules of the Board of Drinking Water and Wastewater Professionals, p. 173	Tim Frost
<a href="#"><u>24-3201-2100F</u></a>	Rules of the Idaho Board of Licensure of Professional Engineers & Prof. Land Surveyors, p. 393	Tim Frost
<a href="#"><u>24-3910-2100F</u></a>	Rules of the Idaho Electrical Board, p. 511	Tim Frost
<a href="#"><u>24-3920-2100F</u></a>	Rules Governing Plumbing, p. 527	Tim Frost
<a href="#"><u>24-3930-2100F</u></a>	Rules of Building Safety (Building Code Rules), p. 542	Tim Frost
<a href="#"><u>24-3931-2100F</u></a>	Rules for Factory Built Structures, p. 556	Tim Frost
<a href="#"><u>24-3970-2100F</u></a>	Rules Governing Installation of Heating, Ventilation & Air Conditioning, p. 587	Tim Frost

***Public Testimony Will Be Taken by Registering Through the Following Link:  
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***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick

Vice Chairman Souza

Sen Martin

Sen Lakey

Sen Guthrie

Sen Agenbroad

Sen Riggs

Sen Ward-Engelking

Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz

Room: WW46

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Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, January 18, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:31 p.m.

**MINUTES APPROVAL:** **Vice Chair Souza** moved to approve the Minutes of January 13, 2022. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chair Souza.

**INTRODUCTION:** **Vice Chair Souza** introduced Tim Frost, Deputy Director, Idaho Division of Occupational and Professional Licenses (IDOPL), explaining Mr. Frost would be presenting the rules for the Division.

**DOCKET NO. 09-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 6. **Jani Revier**, Director, Idaho Department of Labor (IDOL), indicated there were six rule chapters in the omnibus. She noted these rules were unchanged except for two sections. **Ms. Revier** mentioned the rule changes would simplify the process and make the rules straightforward and consistent. She stated in the second rule change the claimant would be required to report gross earnings for self-employment, the same as for those with regular employment. She noted some of the costs are deductible but not all.

**DISCUSSION:** **Senator Burgoyne** questioned the self-employment earnings rule and asked why the IDOL did not use the tax code. **Ms. Revier** remarked the IDOL was not an expert on the tax code and noted the rule was not always aligned with the federal tax code. She stated very few of the claimants are self-employed. The idea was to simplify the process. **Senator Burgoyne** stated the IDOL must be more flexible about the approach to this issue. He said he supported the rule with some trepidation.

**Senator Lakey** referred to the first change in the rule and queried if the change would make the process simpler. Senator Lakey and Ms. Revier discussed that unemployment insurance is individualistic, depending on the circumstances. **Senator Lakey** remarked he agreed with Senator Burgoyne with respect to the second change. Senator Lakey and Ms. Revier discussed the idea that an applicant could be eligible for a higher weekly benefit amount if the gross earnings were higher than what was previously reported. **Ms. Revier** stated she would defer to Josh McKenna.

**TESTIMONY:** **Josh McKenna**, Benefits Bureau Chief, IDOL, stated a person would have to earn enough to be eligible for benefits. He noted if the person has a part-time job, earnings would have to be reported every week. He remarked eligibility could change weekly. Benefits can be reduced for the week. He noted employers pay taxes and receive a benefit because they are not being charged as much in unemployment taxes.

**DISCUSSION:** **Senator Lakey** expressed a concern there was some benefit for a claimant to have a lower reportable gross income and that recognition of self-employment was being taken away. **Mr. McKenna** remarked that during the pandemic the IDOL became aware of several types of self-employment. He noted the rule says the IDOL may allow certain deductible costs. He noted the IDOL wanted to make the rule more straightforward. **Senator Lakey** commented he was not sure simpler was better.

**Senator Burgoyne** stated he was persuaded the Committee should not approve the self-employment earnings issue, but to approve the Docket with the exception of subsection No. 09.01.30.525.10, Self- Employment Earnings.

**MOTION:** **Senator Burgoyne** moved to approve **Docket No. 09-0000-2100** with the exception of **09.01.30.525.10**. **Senator Lakey** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** remarked things were not going back to the way they were prior to the pandemic. Dramatic changes have been seen in the duration of employment. More are becoming self-employed and fewer are being employed. **Senator Martin** asked Ms. Revier if the changes would affect a small amount of people. **Ms. Revier** affirmed, based on claimants seen in 2019, less than 2 percent of 40,000 people would be affected.

**SUBSTITUTE MOTION:** **Senator Martin** moved to approve **Docket No. 09-0000-2100**. The motion died due to the lack of a second.

**VOTE ON THE ORIGINAL MOTION:** The motion to approve **Docket No. 09-0000-2100** with the exception of **09.01.30.525.10** carried by **voice vote**. **Senator Martin** requested he be recorded as voting nay.

**DOCKET NO. 12-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 58. **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), reported there were no changes to this rule.

**MOTION:** **Senator Agenbroad** moved to approve **Docket No. 12-000-2100**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0000-2100F** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 5, **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), indicated there were no changes to this rule.

**MOTION:** **Senator Martin** moved to approve **Docket No. 24-0000-2100F**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 407. **Tim Frost**, Deputy Director, IDOPL, gave a broad overview of the changes. He noted the remainder of the IDOPL rule chapters within the legislative book have either no changes or de minimis changes and would be presented together. He went over the rules for pending rules and fee rules.

**DOCKET NO. 24-3960-2100** **Rules Governing Uniform School Building Safety**, p. 414. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus rule, Docket No. 24-0000-2100.

**DOCKET NO. 24-3980-2100** **Idaho Minimum Safety Standards and Practices for Logging**, p. 417. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus rule, Docket No. 24-0000-2100.

**TESTIMONY:** **Shawn Keough**, Executive Director of the Associated Logging Contractors, testified in support of this rule.

**MOTION:** **Senator Riggs** moved to approve **Docket No. 24-0000-2100**. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 24-0000-2100F** **Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule**, p. 84. **Mr. Frost** indicated the subsequent fee rules were under this omnibus rule.

**DOCKET NO. 24-0501-2100F** **Rules of the Board of Drinking Water and Wastewater Professionals**, p. 173. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO. 24-3201-2100F** **Rules of the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors**, p. 393. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DISCUSSION:** **Senator Burgoyne** referred to page 15. **Senator Burgoyne** and **Mr. Frost** discussed whether the national standard would work for Idaho, marketplace competition, and provide flexibility within the rule.

**Senator Lakey** and **Mr. Frost** discussed the amount of hours specified for licensees to comply with the National Council of Examiners for Engineering and Surveying (NCEES) competency standards in order to renew a license.

**Senator Martin** referred to the discontinued or retired status in the docket and the effect the change would have on a retiree.

**DOCKET NO. 24-3910-2100F** **Rules of the Idaho Electrical Board**, p. 511. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DISCUSSION:** A discussion ensued between **Senator Burgoyne** and **Mr. Frost** relating to failure to request an inspection and the possible effects of the revocation of an electrician's license.

**Vice Chair Souza** and **Mr. Frost** discussed the involvement of the electrical industry related to the changes.

**Senator Lakey** queried if an applicant or designee passed the contractor's exam but was no longer with the company, would the applicant still qualify as competent. **Mr. Frost** stated he would find out that information.

**DOCKET NO. 24-3920-2100F** **Rules Governing Plumbing**, p. 527. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO. 24-3930-2100F** **Rules of Building Safety (Building Code Rules)**, p. 542. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO. 24-3931-2100F** **Rules for Factory Built Structures**, p. 556. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DOCKET NO.  
24-3970-2100F**

**Rules Governing Installation of Heating, Ventilation & Air Conditioning (HVAC)**, p. 587. **Mr. Frost** presented the changes for the pending rule (Attachment 1). This docket was included in the omnibus Docket No. 24-0000-2100F.

**DISCUSSION:**

**Senator Guthrie, Vice Chair Souza, and Mr. Frost** discussed the current website and how the public could navigate through the site for help. They discussed including a reference to a code section and providing as much disclosure on the website as possible for the public.

**Senator Agenbroad and Mr. Frost** discussed the omnibus, public sessions, the amount of work involved when the Legislature did not approve the rules, and the costs to the taxpayer.

**MOTION:**

**Senator Guthrie** moved to approve **Docket No. 24-0000-2100F**. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**PASSED THE  
GAVEL:**

Vice Chair Souza passed the gavel to Chairman Patrick.

**ADJOURNED:**

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:54 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary



## ATTACHMENT 1

Tim Frost, January 18, 2022

### PENDING RULES REVIEW BOOK

IDAPA 24.39.60 (Rules Governing Uniform School Building Safety) (Page 414)

- To remove four definitions that were duplicative of section, 39-8004, Idaho Code (division, administrator, imminent safety hazard, serious safety hazard)

IDAPA 24.39.80 (Idaho Minimum Safety Standards and Practices for Logging Safety) (Pg 417)

- To remove definitions not used within the rule chapter nor do they provide any benefit regarding enforcement of logging safety. (Page 1, rule 007-010)
- To remove redundant and unnecessary language to simplify the rule. (Page 9, rule 013)
- Removed language from the rules describing logging equipment that does not assist with enforcement of safe logging operation practices (Page 37, rule 4S3)
- Removed picture diagrams from the rules that conveyed options for logging operations to utilize and thus created unnecessary rule language as these were merely options rather than requirements. (Page S2, rule 456)
- In total, the rule chapter is simplified and reduced by 17%. We appreciate the assistance of working with the Associated Logging Contractors on these rule changes.

### PENDING FEE RULES REVIEW BOOK

IDAPA 24.05.01 (Rules of the Board of Drinking Water and Wastewater Professionals) (Pg 173)

- To provide for an apprenticeship program model for individuals obtaining a Class III operator's license. This rule was amended in request from the Idaho Rural Water Association to provide additional education options outside of two years college experience. (Pg 1, rule 335)

IDAPA 24.32.01 (Rules of the Idaho Board of Professional Engineers and Professional Land Surveyors) (Pg 393)

- Throughout the rule chapter, the Board of Professional Engineers and Surveyors removed definitions and rule language that were duplicative of statute Title 54 Chapter 12
  - o Examples: Pg 1, rule 010; Pg 3, rule 016; Pg 10, rule 020
- To remove arbitrary rule language when statute Title 54 Chapter 12 clearly defines the waiver of an examination when a specified number of years' experience is provided (Pg 10, rule 022).
- To remove rule language addressing "public statements" as the Board does not have the statutory authority or jurisdiction over public statements (Pg 12, rule 102).
- To modify rule language regulating professional development and continuing education, moving to one national standard. Of note, NCEES is a standard and not a CE provider, so the change does not limit our rules to one CE entity to allow for multiple providers (Pg 15, rule 200).
- Added new rule language for surveying practices that adopt one "State Plan Coordinate" system to describe land for all of Idaho. This rule language is the implementation of SB1011 from the 2021 session (Pg 18, rule 400)
- In total, the rule chapter is simplified and reduced by 17%

IDAPA 24.39.10 (Rules of the Idaho Electrical Board) (Pg 511)

- To remove the unnecessary term or phrase "electrical" from all rule sections applicable to this chapter (Pg 1, rule 011)
- To remove any duplicative language between these rules and statute Title 54 Chapter 10 {Pg 6, rule 100}
- To remove all redundant rule language that was reiterated throughout the electrical rule chapter (Pg 10, rules 150 & 151; Pg 11 rule 152; Pg 13, rule 154)
- To simplify the rule language addressing electrical license exam criteria in a way that allows for consistency across all the different electrical licenses issued by the state of Idaho and maintains the minimum exam scores so that our reciprocal agreements with other states is not jeopardy (Pg 14, rule 200)
- To remove unnecessary rule language regarding agency policy for the acceptance, review and approval process for electrical continuing education course applications which limited and restrained education providers from innovative ideas and technology (Pg 18, rule 301)
- To remove duplicative appeal process requirements from these rules as they are clearly defined within the Administrative Procedures Act, Idaho statute Title 67 Chapter 52. (Pg 20, rule 350)
- To add rule language that would allow for the Electrical Board to impose a civil penalty on an individual that fails to request an electrical inspection after performing electrical installations (Pg 22, rule 450.08)
- In total, the rule chapter is simplified and reduced by 27%

IDAPA 24.39.20 (Rules Governing Plumbing) (Pg 527)

- To remove any unnecessary rule language that was duplicative of statute, Title 54 Chapter 26.
- To remove rule language that addresses an administrative appeal process as this is clearly defined in statute, Title 67 Chapter 52 (Pg 1, rule 002)
- To remove the mobile home plumbing specialty license from rule as it is exempt from licensure as per 54-2602(i), Idaho Code (Pg 9, rule 208)
- In total, the rule chapter is simplified and reduced by 10%

IDAPA 24.39.30 (Rules of Building Safety "Building Code Rules") (Pg 542)

- Add rule language that accounts for the installation and use of "Mass Timber" products from the 2021 International Building Code. This provision implements the allowance of HB 143 from the 2021 session. (Pg 2, rule 004.01.j)
- Add a rule amendment to the energy code, addressing the global supply shortage of insulated flexible ductwork used primarily in residential construction and to require duct insulation only in areas of the residential structure where potential life safety concerns may exist if ducts are not insulated (Pg 9, rule 004.04 n & o).
- Removed duplicative rule language governing factory-built structures from the building rules as they are within IDAPA 24.39.31, 24.39.32, 24.39.33 {Pg 10, rule 026}.
- In total, the rule chapter is simplified and reduced by 30%

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Commented (TF1):

- That Factory Built Structures Board consolidated four rule chapters {24.39.31, 24.39.32, 24.39.33 & 24.39.34} into one rule chapter; 24.39.31. (Consolidated Chapter - Pg 10)

- Within the consolidated rule chapter, the following was addressed:
  - o To remove rule language that was duplicative of statute (Pg 5, rule 010)
  - o To remove unnecessary rule language that does not assist with the enforcement or compliance of the Factory Built Structures program (Pg 7, rule 029.02)
  - o To remove antiquated rule language (Pg 9, rule 032.02.b)
- In total, the rule chapter is simplified and reduced by 20%. We are appreciate working closely with the Idaho Manufactured Housing Association on the consolidation of these chapters .

IDAPA 24.39.70 (Rules Governing Installation of Heating, Ventilation, and Air Conditions Systems) (Pg 587)

- The following changes were made for the rules governing HVAC installations during omnibus rulemaking July 2021:
  - o To remove duplicative appeal hearing language from the rules as they are defined under the Administrative Procedures Act statute , Title 67 Chapter 52 (Pg 1, rule 003).
  - o To remove unnecessary rule language that was only informative office hours, locations, internal division filing of documents, and duplicative language of the public records act compliance in Title 74, Chapter 1, Idaho Code . (Pg 4, rules 005, 006 & 007).
  - o To remove rule language that prohibits innovative electronic application submittal processes (Pg 5, rule 020).
  - o To remove antiquated fee rules that are currently not used by the agency as they have been accounted for within the calculated HVAC permit fee schedule (Pg 10, rule 051.04).
  - o To remove duplicative rule language identifying inspection requirements that are set forth in the adopted mechanical codes (Pg 10, rule 060.01)
- The following changes were made for the rules governing HVAC installations during "Proposed Rulemaking" in the October bulletin:
  - o To remove antiquated mechanical code amendments from the 2012 versions as they no longer apply because the 2018 mechanical codes have now been adopted (Pg 12, rule 002)
  - o To modify the rule language of Specialty Contractor and Contractor requirements to ensure consistent enforcement and applicability, in addition to removing duplicative rule language between rule sections (Pg 15, rule 011).
  - o To modify rule language eliminating the in-state versus out-of-state experience requirements to qualify for the Contractor and Journeyman licenses, ensuring that the experience requirements for Idaho applicants is equal to that of those coming from out of state (Pg 17, rule 013.03)
  - o To remove Inspector Qualification rule language that is duplicative of Statute 54-5021 (Pg 20, rule 053).
- In total, the rule chapter is simplified and reduced by 30%

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, January 20, 2022**

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<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>18-0000-2100F</u></a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule; Docket Nos. 18-0102-2100F through 18-0802-2100F, pp. 72-78	Dean Cameron, Director, Idaho Department of Insurance
<a href="#"><u>18-0201-2101</u></a>	Insurance Rates and Credit Rating (New Chapter) - Proposed Rule, p. 347	Dean Cameron
<a href="#"><u>18-0305-2101</u></a>	Credit Life and Credit Disability Insurance (New Chapter) - Proposed Rule, p. 351	Dean Cameron
<a href="#"><u>18-0401-2101</u></a>	Health Carrier External Review (New Chapter) - Proposed Rule, p. 360	Dean Cameron
<a href="#"><u>18-0402-2101</u></a>	Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Proposed Rule, p. 364	Dean Cameron
<a href="#"><u>18-0407-2101</u></a>	Restrictions on Discretionary Clauses in Health Insurance Contracts (New Chapter) - Proposed Rule, p. 368	Dean Cameron
<a href="#"><u>18-0410-2101</u></a>	Medicare Supplement Insurance Standards (New Chapter) - Proposed Rule, p. 371	Dean Cameron
<a href="#"><u>18-0802-2100F</u></a>	Fire Protection Sprinkler Contractors, p. 78	Dean Cameron
<a href="#"><u>59-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 497 Docket Nos. 59-0101-2100 through 59-0201-2100, pp. 499-533	Don Drum, Executive Director, PERSI
<a href="#"><u>15-0400-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 68	Michelle Peugh, Policy Manager, Division of Human Resources

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COMMITTEE SECRETARY

Linda Kambeitz  
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MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Thursday, January 20, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chair Souza.

**INTRODUCTIONS:** **Vice Chair Souza** introduced Dean Cameron, Director, Idaho Department of Insurance (IDOI). **Mr. Cameron** gave a brief overview of the omnibus rules. He began with **Docket No. 18-0000-2100**. There was no discussion.

**MOTION:** **Senator Martin** moved to approve **Docket No. 18-0000-2100**. There was no second.

**DISCUSSION:** **Senator Guthrie** pointed out the docket was not on the agenda and a motion could not be made. **Mr. Cameron** stated he could return to present this docket at the Committee meeting of January 25, 2022.

**DOCKET NO. 18-0000-2100F** **Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule; Docket Nos. 18-0102-2100F through 18-0802-2100F**, pp. 72-78. **Mr. Cameron** presented the dockets. He noted there were no changes from what was previously adopted, except for the rule specifically called out as part of the Zero-Based Regulation (ZBR) review (Attachment 1).

**MOTION:** **Senator Martin** moved to approve **Docket No. 18-0000-2100F**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 18-0201-2101** **Insurance Rates and Credit Rating (New Chapter) - Proposed Rule**, p. 347. **Mr. Cameron** went over the changes in this rule (Attachment 1)

**DISCUSSION:** **Vice Chair Souza** asked how many companies were out-of-compliance. **Mr. Cameron** noted there were some companies that were never out-of-compliance and there were others who had various opinions as to how to file. Those companies were having to adjust. **Mr. Cameron** stated the IDOI was working with the industry. This rule was not going to be for those companies that were out-of-compliance. He noted those companies will transition back into compliance. There is strong competition and a desire to rate the least risky clients.

**Senator Burgoyne** queried if there was any evidence that those with worse credit had more claims than most. **Mr. Cameron** commented there is an argument that those who have better credit receive a discount and have better rates. Those with worse credit are paying more for auto insurance. During the pandemic, people lost credit because businesses and jobs were lost. Inappropriate rate increases have occurred.

**Senator Burgoyne** and **Mr. Cameron** discussed whether there was any evidence that people with worse credit had more claims or more expensive claims than what the insurance industry believed, and how more sophisticated technology may eliminate or reduce the use of credit as being less and less valuable.

**Senator Riggs** and **Mr. Cameron** had a conversation about the reassessment period for the insurance companies, whether done annually or semiannually, and how often consumer credit ratings were checked.

**Senator Riggs** mentioned he wanted to be reassured insurance companies were not being predatory and punitive. **Mr. Cameron** reaffirmed the IDOI had not seen that kind of practice.

**MOTION:** **Senator Riggs** moved to approve **Docket 18-0201-2101**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.** **Credit Life and Credit Disability Insurance (New Chapter) - Proposed Rule**, p. 351. **Mr. Cameron** outlined the changes in the rule (Attachment 1).  
**18-0305-2101**

**DISCUSSION:** **Senator Lakey** asked how prima facie rates were set and what was the purpose of these rates. He remarked he thought the IDOI was close to rate setting. **Mr. Cameron** indicated the rate tables were put on the website. He noted rates did not act as a barrier for carriers but he was not sure that in all cases they were needed.

**Senator Agenbroad** remarked if the rates were removed and placed on the website, what process would the IDOI and the Legislature go through in the rulemaking process. **Mr. Cameron** noted the rules were more informational to the carriers and seen as a help to the industry.

**MOTION:** **Senator Agenbroad** moved to approve **Docket No. 18-0305-2101**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO.** **Health Carrier External Review (New Chapter) - Proposed Rule**, p. 360.  
**18-0401-2101** **Mr. Cameron** outlined the changes in the rule (Attachment 1).

**DISCUSSION:** **Senator Guthrie** noted he appreciated information was inserted into the rule where it could be found in code.

**MOTION:** **Senator Guthrie** moved to approve **Docket No. 18-0401-2101**. **Senator Lakey** seconded the motion.

**DISCUSSION:** **Senator Martin** asked what the numbers were for a typical year when reviews were requested. He also asked if the IDOI had noticed a change in the need for reviews during the Coronavirus (COVID-19) issues as there had been many media reports on certain kinds of treatments that were not covered, and was there an increase in concerns from consumers. **Mr. Cameron** stated there was not a large increase. In answer to the first question posed by Senator Martin, **Mr. Cameron** noted that in 2021 there were 162 case reviews requested. He indicated some of the cases were for a review for medical necessity versus investigational or level of care. Some were found not to be eligible or the application was incomplete.

**VOTE ON THE MOTION:** The motion to approve **Docket No. 18-0401-2101** carried by **voice vote**.

**DOCKET NO.** **Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Proposed Rule**, p. 364. **Mr. Cameron** outlined the changes in the rule (Attachment 1).  
**18-0402-2101**

**DISCUSSION:** **Senator Lakey** and **Mr. Cameron** discussed the involuntary coverage complications list and legal requirements. **Senator Lakey** referred to .02.01, and expressed a concern about the language in the rule about a missed abortion. He asked for clarification. **Mr. Cameron** stated the language was in the prior rule and was carried forward in the process. He indicated it was the carrier's responsibility to cover involuntary complications of pregnancy. **Senator Lakey** commented he needed more information before he could vote. He asked for a delay on this Docket in order to obtain more information.

**MOTION:** **Senator Guthrie** moved to hold **Docket No. 18-0402-2101** subject to the Call of the Chair. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 18-0407-2101** **Restrictions on Discretionary Clauses in Health Insurance Contracts (New Chapter) - Proposed Rule**, p. 368. **Mr. Cameron** outlined the changes in the rule (Attachment 1).

**MOTION:** **Senator Ward-Engelking** moved to approve **Docket No. 18-0407-2101**. **Chairman Patrick** seconded the motion.

**DISCUSSION:** **Senator Burgoyne** commented what was in the rule provided some protective effect in certain kinds of clause provisions in the contract. He noted he thought nothing was lost. **Director Cameron** affirmed that nothing was lost.

**VOTE ON THE MOTION:** The motion to approve **Docket No. 18-0407-2101** carried by **voice vote**.

**DOCKET NO. 18-0410-2101** **Medicare Supplement Insurance Standards (New Chapter) - Proposed Rule**, p. 371. **Mr. Cameron** outlined the changes in the rule (Attachment 1). He presented a chart and explained each age bracket as outlined (Attachment 2).

**DISCUSSION:** **Senator Burgoyne** remarked there were places on the chart where there appeared to be some hefty increases for different products. **Mr. Cameron** explained all the products with Medicare supplements were standardized across the country, meaning the benefits were standardized as well. **Senator Burgoyne** asked if any of the rules in place were placed in any discretionary way to drive increases. **Mr. Cameron** indicated the majority of Idaho senior citizens were positively impacted by the passage of S 1143.

**Senator Guthrie** stated the IDOI was trying to achieve market stability for the long haul. **Senator Guthrie** and **Mr. Cameron** discussed the issue of dead pooling, how often some seniors with health conditions only had one choice, and plans were more expensive to pay for services. **Mr. Cameron** pointed out some carriers would gather business, close out the business after three years and come back under a new name. Healthy people would move because they had good health. Consumers were hurt. Legislation has halted that practice.

**Senator Martin** asked if S 1143 helped the consumer and the industry. **Mr. Cameron** remarked the legislation helped consumers across-the-board and the market has stabilized. Consumers are not trapped into a particular company.

**MOTION:** **Senator Guthrie** moved to approve **Docket No. 18-0410-2101**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 18-0802-2100F** **Fire Protection Sprinkler Contractors**, p. 78. **Mr. Cameron** outlined the changes in the rule (Attachment 1).

**MOTION:** **Senator Martin** moved to approve **Docket No. 18-0802-2100F**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 59-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 497; **Docket Nos. 59-0101-2100 through 59-0201-2100**, pp. 499-533. **Don Drum**, Executive Director, Public Employees Retirement System of Idaho (PERSI), highlighted a few of the specific changes that occurred in the process.

**MOTION:** **Senator Agenbroad** moved to approve **Docket No. 59-0000-2100**. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 15-0400-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 68. **Michelle Peugh**, Policy Manager, Idaho Division of Human Resources (IDHR), outlined substantive changes in the rule. She noted there were additional, less substantive changes made for clarity, with the goal to keep IDHR rules relevant and applicable.

**DISCUSSION:** **Senator Guthrie** queried what was the cost and thought behind donated leave. **Ms. Peugh** explained the policy change was a result of the COVID-19 pandemic. Several state employees had to miss work and the IDHR decided that while having employees being able to donate vacation to other employees to use as sick leave, the amount of hours for employees to use was limited. The IDHR worked with the State Controller's Office to allow state employees to donate both vacation and sick leave to others to use as sick time if they had exhausted all accrued leave.

**MOTION:** **Senator Riggs** moved to approve **Docket No. 15-0400-2100**. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chair Souza passed the gavel to Chairman Patrick.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 3:03 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary



ATTACHMENT 1, Dean Cameron, Director, Idaho Department of Insurance  
January 20, 2022

ZBR rules.

- 18-0201-2101 Insurance Rates and Credit Rating
  - Idaho statute allows for the use of credit in determining rates so long as it is not the primary factor.
  - The DOI has long determined primary to mean not more than 50%.
  - Our rule and rate review had become complicated and cumbersome.
  - And was considered in conflict with the statute by our DAG's
  - The new change asks carriers to make a self-attestation that they are compliant.
  - The industry, I think would prefer no changes. Unfortunately that does not work for the agency.
    - ✦ The conflict
    - ✦ The review led to multi-month discussions and conflict as to differing approaches from various carriers.
- 18-0305-2101 Credit Life and Credit Disability Insurance
  - No opposition.
  - No substantive change.
  - Removal of repetitive language.
- 18-0401-2101 Health Carrier External Review
  - No opposition.
  - No substantive change.
  - Removal of repetitive language.
- 18-0402-2101 Complications of Pregnancy, Newborn, and Adopted Children Coverage
  - No opposition
  - No substantive change
  - Combined two previous rules.
    - ✦ Complications of Pregnancy
    - ✦ Uniform coverage for newborn and newly adopted children
  - Removal of repetitive language
- 18-0407-2101 Restrictions on Discretionary Clauses in Health Insurance Contracts
  - No opposition
  - No substantive change
  - Removal of repetitive language
- 18-0410-2101 Medicare Supplement Insurance Standards
  - This was created due to the passage of S1143
- Still did the ZBR process while adjusting for the new law.

- One of the purposes of S1143 was to eliminate dead pooling.
    - ✦ Where a carrier comes in very competitive.
    - ✦ Closes a block of business
    - ✦ Comes back with a new company and product and skims the cream.
  - Another purpose of S1143 was to take plans to a community rating. Instead of “attained age” rating or “Issue age” rating in both cases your rates would go up the older you got.
    - ✦ I have provided a sheet which show the percentage of increase for each of the carriers in the market on 5 different ages.
      - 65,70,75,80,& 85
    - ✦ While the statute requires community rating, speaks to the transition.
  - Another goal was to allow consumers to shop plans once a year at their birthdate.
    - ✦ In rule we allow for 63 day window starting at their birthday.
  - We also eliminate old outdated unnecessary provisions.
  - We held multiple hearings attend by the industry and agent groups.
- 18-0604-2101 Continuing Education
    - No opposition
    - No substantive change
    - Removal of repetitive language

# ATTACHMENT 2 - DEAN CAMERON, JANUARY20, 2022

85 Non-Smoker	Idaho Medicare Supplement Plans											
	Rate Difference between 2021 Issue Age 85 Non-Smoker Rates and 2022 Community Rated 65+											
Company Name	A	B	C	D	F	FHD	G	GHD	K	L	M	N
Accendo Insurance Company	-27%				-21%		-27%					-30%
Aetna Health & Life Ins Co	-14%	-14%			-14%	-14%	-16%					-14%
Blue Cross of Idaho Care Plus, Inc	-26%				-27%		-20%	New	Disc			Disc
Cigna Health & Life Ins Co	21%				20%	20%	22%					6%
Federal Life Insurance Company	-25%				-15%		-14%					-19%
First Health Life & Health Ins Co	-3%	-8%			-9%		-10%					-12%
Globe Life & Accident Ins Co	0%	-25%	-20%		-24%	-42%	-33%	-42%				-30%
GPM Health & Life Ins Co	-35%	New			-34%		-28%					-38%
HumanaDental Ins Co	-23%				-23%	-45%	-23%	-45%	-31%			-32%
ManhattanLife Assurance Co of America	-5%				-10%		-11%					-12%
Montana Health Cooperative dba Mountain Health	-12%				-11%		-11%					-20%
National Health Ins Co	-5%				-5%	-5%	-5%					-5%
Omaha Ins Co	-42%				-34%	Disc	-17%	-21%				-27%
Regence Blue Shield of Idaho	-11%		-20%		-20%		-20%		-23%			-22%
State Farm Mutual Automobile Ins Co	-17%		-14%	-36%	-17%		-35%					-45%
State Mutual Ins Co	-27%	6%	-11%	-9%	-11%	-14%	-9%				-13%	-13%
Transamerica Life Ins Co	-34%	-38%	-31%	-34%	-31%		-34%		-34%	-34%	-34%	-34%
United American Ins Co	5%	-26%	-32%	-42%	-33%	-14%	-39%	-8%	-33%	-29%		-37%
United Healthcare Ins Co	-18%	-29%	-29%		-29%		-29%		-29%	-29%		-40%
United Insurance Company of America	-9%			-10%	-11%		-11%	-12%				-11%
United States Fire Insurance Company	-7%	-7%			16%		-8%	-8%	-8%	-8%		-8%
USAA Life Ins Co	-16%				-31%		-33%					-29%
Washington National Insurance Co	New				New		New	New				New
WMI Mutual Ins Co	0%		0%		0%							
<b>Straight Average:</b>	<b>-14%</b>	<b>-18%</b>	<b>-20%</b>	<b>-26%</b>	<b>-16%</b>	<b>-16%</b>	<b>-19%</b>	<b>-23%</b>	<b>-26%</b>	<b>-25%</b>	<b>-23%</b>	<b>-22%</b>

New = Letter Plan Offered as Community Rated, not Issue Age  
Disc = Letter Plan Offered as Issue Age, but not Community Rated

80 Non-Smoker	Idaho Medicare Supplement Plans											
	Rate Difference between 2021 Issue Age 80 Non-Smoker Rates and 2022 Community Rated 65+											
Company Name	A	B	C	D	F	FHD	G	GHD	K	L	M	N
Accendo Insurance Company	-17%				-10%		-17%					-20%
Aetna Health & Life Ins Co	-6%	-6%			-6%	-5%	-9%					-6%
Blue Cross of Idaho Care Plus, Inc	-21%				-22%		-15%	New	Disc			Disc
Cigna Health & Life Ins Co	24%				23%	23%	26%					10%
Federal Life Insurance Company	-23%				-13%		-12%					-17%
First Health Life & Health Ins Co	0%	-2%			-3%		-4%					-4%
Globe Life & Accident Ins Co	0%	-25%	-20%		-24%	-42%	-33%	-42%				-30%
GPM Health & Life Ins Co	-33%	New			-32%		-27%					-37%
HumanaDental Ins Co	-13%				-14%	-38%	-13%	-38%	-23%			-23%
ManhattanLife Assurance Co of America	6%				3%		3%					2%
Montana Health Cooperative dba Mountain H	1%				1%		2%					-6%
National Health Ins Co	6%				6%	5%	6%					6%
Omaha Ins Co	-35%				-27%	Disc	-8%	-12%				-19%
Regence Blue Shield of Idaho	-10%		-16%		-17%		-18%		-20%			-19%
State Farm Mutual Automobile Ins Co	-16%		-12%	-31%	-15%		-31%					-40%
State Mutual Ins Co	-17%	19%	1%	3%	1%	-2%	3%				-1%	-1%
Transamerica Life Ins Co	-25%	-30%	-23%	-25%	-23%		-25%		-25%	-25%	-26%	-25%
United American Ins Co	5%	-26%	-32%	-42%	-33%	-14%	-39%	-8%	-33%	-29%		-37%
United Healthcare Ins Co	-18%	-29%	-29%		-29%		-29%		-29%	-29%		-40%
United Insurance Company of America	1%			0%	-2%		-2%	-1%				-2%
United States Fire Insurance Company	5%	5%			31%		5%	5%	5%	5%		5%
USAA Life Ins Co	-11%				-23%		-24%					-19%
Washington National Insurance Co	New				New		New	New				New
WMI Mutual Ins Co	0%		0%		0%							
<b>Straight Average:</b>	<b>-9%</b>	<b>-12%</b>	<b>-16%</b>	<b>-19%</b>	<b>-10%</b>	<b>-11%</b>	<b>-12%</b>	<b>-16%</b>	<b>-21%</b>	<b>-20%</b>	<b>-13%</b>	<b>-15%</b>

New = Letter Plan Offered as Community Rated, not Issue Age  
Disc = Letter Plan Offered as Issue Age, but not Community Rated

75 Non-Smoker	Idaho Medicare Supplement Plans											
	Rate Difference between 2021 Issue Age 75 Non-Smoker Rates and 2022 Community Rated 65+											
Company Name	A	B	C	D	F	FHD	G	GHD	K	L	M	N
Accendo Insurance Company	-7%				1%		-6%					-10%
Aetna Health & Life Ins Co	7%	7%			7%	7%	4%					7%
Blue Cross of Idaho Care Plus, Inc	-13%				-14%		-7%	New	Disc			Disc
Cigna Health & Life Ins Co	34%				40%	40%	41%					27%
Federal Life Insurance Company	-12%				0%		1%					-5%
First Health Life & Health Ins Co	4%	5%			5%		5%					6%
Globe Life & Accident Ins Co	0%	-25%	-18%		-19%	-38%	-28%	-38%				-24%
GPM Health & Life Ins Co	-24%	New			-23%		-16%					-27%
HumanaDental Ins Co	-2%				-2%	-30%	-2%	-30%	-13%			-13%
ManhattanLife Assurance Co of America	20%				18%		19%					New
Montana Health Cooperative dba Mountain H	14%				14%		17%					16%
National Health Ins Co	16%				16%	16%	16%					16%
Omaha Ins Co	-26%				-17%	Disc	3%	-1%				-10%
Regence Blue Shield of Idaho	-8%		-10%		-11%		-11%		-13%			-13%
State Farm Mutual Automobile Ins Co	-11%		-7%	-25%	-11%		-24%					-34%
State Mutual Ins Co	-8%	33%	13%	14%	13%	9%	15%				10%	10%
Transamerica Life Ins Co	-12%	-17%	-9%	-12%	-8%		-12%		-12%	-12%	-12%	-12%
United American Ins Co	5%	-26%	-29%	-39%	-30%	-8%	-36%	-2%	-32%	-27%		-33%
United Healthcare Ins Co	-10%	-23%	-23%		-23%		-23%		-23%	-23%		-34%
United Insurance Company of America	12%			11%	9%		8%	8%				9%
United States Fire Insurance Company	18%	18%			48%		18%	17%	19%	18%		18%
USAA Life Ins Co	-4%				-15%		-15%					-8%
Washington National Insurance Co	New				New		New	New				New
WMI Mutual Ins Co	0%		0%		0%							
<b>Straight Average:</b>	<b>0%</b>	<b>-3%</b>	<b>-10%</b>	<b>-10%</b>	<b>0%</b>	<b>-1%</b>	<b>-2%</b>	<b>-8%</b>	<b>-12%</b>	<b>-11%</b>	<b>-1%</b>	<b>-6%</b>

New = Letter Plan Offered as Community Rated, not Issue Age  
Disc = Letter Plan Offered as Issue Age, but not Community Rated

70 Non-Smoker	Idaho Medicare Supplement Plans											
	Rate Difference between 2021 Issue Age 70 Non-Smoker Rates and 2022 Community Rated 65+											
Company Name	A	B	C	D	F	FHD	G	GHD	K	L	M	N
Accendo Insurance Company	4%				12%		4%					0%
Aetna Health & Life Ins Co	13%	13%			13%	13%	10%					14%
Blue Cross of Idaho Care Plus, Inc	-3%				-4%		5%	New	Disc			Disc
Cigna Health & Life Ins Co	50%				56%	56%	58%					42%
Federal Life Insurance Company	6%				20%		22%					15%
First Health Life & Health Ins Co	11%	16%			17%		17%					18%
Globe Life & Accident Ins Co	0%	-25%	-16%		-16%	-33%	-25%	-33%				-21%
GPM Health & Life Ins Co	-8%	New			-7%		2%					-12%
HumanaDental Ins Co	11%				11%	-20%	11%	-20%	-2%			-2%
ManhattanLife Assurance Co of America	37%				33%		34%					35%
Montana Health Cooperative dba Mountain H	29%				29%		33%					23%
National Health Ins Co	31%				30%	31%	30%					30%
Omaha Ins Co	-15%				-3%	Disc	17%	14%				2%
Regence Blue Shield of Idaho	0%		2%		0%		-1%		-3%			-2%
State Farm Mutual Automobile Ins Co	-3%		1%	-16%	-3%		-16%					-26%
State Mutual Ins Co	22%	47%	25%	27%	25%	21%	27%				21%	22%
Transamerica Life Ins Co	8%	2%	13%	8%	13%		8%		8%	8%	9%	9%
United American Ins Co	5%	-25%	-25%	-36%	-26%	-2%	-32%	6%	-29%	-25%		-28%
United Healthcare Ins Co	-1%	-15%	-15%		-15%		-15%		-15%	-15%		-27%
United Insurance Company of America	26%			24%	22%		22%	22%				22%
United States Fire Insurance Company	33%	33%			66%		33%	33%	32%	32%		33%
USAA Life Ins Co	5%				-5%		-4%					4%
Washington National Insurance Co	New				New		New	New				New
WMI Mutual Ins Co	0%		0%		0%							
<b>Straight Average:</b>	<b>11%</b>	<b>6%</b>	<b>-2%</b>	<b>1%</b>	<b>12%</b>	<b>9%</b>	<b>11%</b>	<b>3%</b>	<b>-1%</b>	<b>0%</b>	<b>15%</b>	<b>7%</b>

New = Letter Plan Offered as Community Rated, not Issue Age  
Disc = Letter Plan Offered as Issue Age, but not Community Rated

65 Non-Smoker	Idaho Medicare Supplement Plans											
	Rate Difference between 2021 Issue Age 65 Non-Smoker Rates and 2022 Community Rated 65+											
Company Name	A	B	C	D	F	FHD	G	GHD	K	L	M	N
Accendo Insurance Company	14%				23%		14%					11%
Aetna Health & Life Ins Co	16%	16%			16%	16%	12%					15%
Blue Cross of Idaho Care Plus, Inc	11%				9%		19%	New	Disc			Disc
Cigna Health & Life Ins Co	59%				67%	67%	67%					51%
Federal Life Insurance Company	17%				33%		34%					27%
First Health Life & Health Ins Co	23%	30%			32%		33%					34%
Globe Life & Accident Ins Co	6%	-20%	-10%		-10%	-25%	-19%	-25%				-15%
GPM Health & Life Ins Co	1%	New			3%		12%					-3%
HumanaDental Ins Co	20%				20%	-14%	20%	-14%	6%			6%
ManhattanLife Assurance Co of America	46%				41%		41%					49%
Montana Health Cooperative dba Mountain H	36%				34%		39%					29%
National Health Ins Co	37%				36%	35%	37%					36%
Omaha Ins Co	-10%				2%	Disc	21%	20%				6%
Regence Blue Shield of Idaho	13%		19%		18%		18%		13%			18%
State Farm Mutual Automobile Ins Co	7%		12%	-4%	8%		-3%					-14%
State Mutual Ins Co	28%	28%	37%	33%	36%	33%	32%				27%	27%
Transamerica Life Ins Co	40%	32%	46%	40%	46%		41%		41%	41%	41%	40%
United American Ins Co	9%	-20%	-18%	-29%	-20%	13%	-26%	17%	-22%	-17%		-21%
United Healthcare Ins Co	19%	3%	2%		2%		2%		3%	2%		-13%
United Insurance Company of America	33%			31%	29%		29%	29%				29%
United States Fire Insurance Company	43%	44%			79%		43%	43%	42%	44%		44%
USAA Life Ins Co	16%				7%		9%					19%
Washington National Insurance Co	New				New		New	New				New
WMI Mutual Ins Co	0%		0%		0%							
<b>Straight Average:</b>	<b>21%</b>	<b>14%</b>	<b>11%</b>	<b>14%</b>	<b>22%</b>	<b>18%</b>	<b>22%</b>	<b>12%</b>	<b>14%</b>	<b>17%</b>	<b>34%</b>	<b>18%</b>

New = Letter Plan Offered as Community Rated, not Issue Age  
Disc = Letter Plan Offered as Issue Age, but not Community Rated

**AMENDED AGENDA #3**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, January 25, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>18-0000-2100</u></a>	Notice of Omnibus Rulemaking - Amendment to Temporary Rule, p. 115; 18.01.01 - 18.08.01, pp. 119 - 346	Dean Cameron, Director, Idaho Department of Insurance
<a href="#"><u>18-0604-2101</u></a>	Continuing Education (New Chapter) - Proposed Rule, p. 400	Dean Cameron
<a href="#"><u>18-0402-2101</u></a>	Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Proposed Rule, p. 364	Dean Cameron
<a href="#"><u>17-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, p. 106	Sonnet Robinson, Referee, Idaho Industrial Commission
<a href="#"><u>17-0000-2100F</u></a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule, p. 43	Sonnet Robinson
<a href="#"><u>28-0000-2100</u></a>	Notice of Omnibus Rulemaking - Proposed Rule, pp. 483 and 491.	Ewa Szewczyk, Grants & Contracts Manager, Idaho Department of Commerce
<a href="#"><u>RS 29060C1</u></a>	Relating to Architects and Landscape Architects	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>RS 29062C1</u></a>	Relating to the Department of Self-Governing Agencies	Tim Frost
<a href="#"><u>RS 29064C1</u></a>	Relating to Dental Hygienists	Tim Frost
<a href="#"><u>RS 29065C1</u></a>	Relating to Abstracters of Title	Tim Frost
<a href="#"><u>RS 29077C1</u></a>	Relating to Professional Engineers and Professional Land Surveyors	Tim Frost
<a href="#"><u>RS 29172</u></a>	Relating to Health Savings Accounts	Senator Thayn
<a href="#"><u>RS 29121C1</u></a>	Relating to Veterans	Mark Tschampl, Chief Administrator, Division of Veteran Services



***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Tuesday, January 25, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chair Souza.

**DOCKET NO. 18-0000-2100** **Notice of Omnibus Rulemaking - Amendment to Temporary Rule**, p. 115; **18.01.01 - 18.08.01**, pp. 119 - 346. **Dean Cameron**, Director, Idaho Department of Insurance (IDOI), reported this was an Omnibus rule and there were no changes.

**MOTION:** **Senator Lakey** moved to approve **Docket No. 18-0000-2100**. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 18-0604-2101** **Continuing Education (New Chapter) - Proposed Rule**, p. 400. **Mr. Cameron** reported there were no substantive changes.

**MOTION:** **Senator Burgoyne** moved to approve **Docket No. 18-0604-2101**. **Chairman Patrick** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 18-0402-2101** **Complications of Pregnancy, Newborn, and Adopted Children Coverage (New Chapter) - Proposed Rule**, p. 364. **Mr. Cameron** gave a brief background on this rule. He remarked the rule was the result of a combination of two rules related to the complications of pregnancy, adopted, and newborn children. There were no substantive changes. **Mr. Cameron** defined the term "missed abortion" meaning the death of a fetus without expulsion equal to or greater than eight weeks, but not quite a miscarriage. **Mr. Cameron** noted when a woman has a "missed abortion" she would be admitted into the hospital and be treated. This is not a normal abortion.

**DISCUSSION:** **Senator Guthrie** queried if there had been any effort to recognize the sensitive nature of the wording or was there an interchangeable word that was considered. **Mr. Cameron** noted this was a concern and dilemma in the industry. This rule had been adopted for many years and had the IDOI not decided to combine the two rules, this discussion would not have taken place. He indicated if the rule was approved and this section removed, this would create a coverage gap for complications of pregnancy.

**Senator Lakey** remarked this language was problematic. He asked what the practical options were if this portion of the rule was rejected. **Mr. Cameron** stated the IDOI would promulgate an emergency rule.

**Senator Riggs** spoke in support of the rule and stated the term, "missed abortion"

was a medical term that should not be misinterpreted. He cautioned the Committee ran a greater risk of doing a disservice to the people of Idaho. **Mr. Cameron** noted his concern was for the protection of consumers and he would expect in the event of a miscarriage or "missed abortion" the person would have insurance coverage. He remarked this rule tells the insurance company what is expected by the IDOI.

**Vice Chair Souza** remarked that "missed abortion" was commonly called a stillbirth or stillborn. That terminology would connect better with the public. She urged a more colloquial term as "missed abortion" could be misconstrued that an actual abortion would be covered by an insurance policy.

**Senator Burgoyne** queried if the IDOI promulgated a temporary rule or emergency rule after the session, possibly a few more words would be promulgated quickly and solve the problem. **Mr. Cameron** reiterated the goal of the IDOI was to make sure the insurance company clearly knew what had to be covered.

**Senator Agenbroad** expressed a concern if the wording was changed in rule, there was a special code the insurance company used for a "missed abortion." A patient would have the potential for a dispute with the insurance company if the wording was changed or removed. He stated he agreed with Senators Riggs and Burgoyne.

**Vice Chair Souza** and **Mr. Cameron** discussed adding an emergency line to explain the term, "missed abortion." **Mr. Cameron** suggested a slight modification could be put forth in a bulletin to make the term perfectly clear.

**MOTION:** **Senator Guthrie** moved to approve **Docket No. 18-0402-2101**. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**. Senators Lakey and Martin voted nay.

**DOCKET NO. 17-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, p. 106. **Sonnet Robinson, Referee**, Idaho Industrial Commission (IIC), reported there were no changes.

**MOTION:** **Senator Martin** moved to approve **Docket No. 17-0000-2100**. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 17-0000-2100F** **Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule**, p. 43. **Ms. Robinson** stated there were two changes with only one moving forward relating to the claim reporting process.

**DISCUSSION:** **Vice Chair Souza, Senator Burgoyne, and Ms. Robinson** discussed there was no fee change even though this was a fee rule. The only change was that of requiring an updated version of the software.

**MOTION:** **Senator Guthrie** moved to approve **Docket No. 17-0000-2100F**. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**DOCKET NO. 28-0000-2100** **Notice of Omnibus Rulemaking - Proposed Rule**, pp. 483 and 491; **Ewa Szewczyk**, Grants Manager, Idaho Department of Commerce (IDOC), reported there were no changes.

**MOTION:** **Senator Martin** moved to approve **Docket No. 28-0000-2100**. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chair Souza passed the gavel to Chairman Patrick.

- RS 29060C1** **Relating to Architects and Landscape Architects.** **Tim Frost**, Deputy Administrator, Idaho Division of Occupational and Professional Licenses (IDOPL), reported this proposed legislation combines the Idaho Board of Architectural Examiners and the Idaho Board of Landscape Architects into a single board to regulate architects, architect interns, landscape architects, and landscape architects in training. This is consistent with past Board consolidation efforts. He stated there was no impact to the General Fund.
- MOTION.** **Senator Burgoyne** moved to send **RS29060C1** to print. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.
- RS 29062C1** **Relating to the Department of Self-Governing Agencies.** **Mr. Frost** remarked consistent with the Occupational Licensing Reform Act, this bill allows for the IDOPL boards or commissions and division staff to share investigatory information regarding licensees with other boards and commissions to create efficiency within division investigations. There is no impact to the General Fund or any dedicated or federal funds. He noted this proposed legislation seeks to simplify the administrative burden of duplicative investigative work and could lead to quicker investigations and processing of licensing complaints.
- DISCUSSION:** **Senator Burgoyne** and **Mr. Frost** discussed circumstances that led to this proposed legislation. **Mr. Frost** stated when a complaint was received there could be three separate investigations with three different boards, especially with the construction trades. **Mr. Frost** remarked the IDOPL desired to be more efficient.
- MOTION:** **Vice Chair Souza** moved to send **RS29062C1** to print. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.
- RS 29064C1** **Relating to Dental Hygienists.** **Mr. Frost** remarked this proposed legislation removed an outdated extended access licensure endorsement for Idaho licensed dental hygienists working in an extended access setting under the general supervision of a dentist. No statutory licensing or scope-of-practice or services were changed. There is no impact to the General Fund, any dedicated fund, or federal fund because the Board of Dentistry does not currently impose any fees for extended access licensure endorsements.
- MOTION:** **Senator Lakey** moved to send **RS29064C1** to print. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.
- RS 29065C1** **Relating to Abstracters of Title.** **Chairman Patrick** announced this proposed legislation would be held and not heard.
- RS 29077C1** **Relating to Professional Engineers and Professional Land Surveyors (IPEPLS).** **Mr. Frost** noted this proposed legislative proposal for the IPEPLS aligns several definitions to reduce confusion, provides alternative methods of signing documents, allows new options for a basis of bearings (directions) on surveys, and allows additional options for monuments used as reference on plats and surveys. He stated these new options for signatures, basis of bearings, and reference monuments will reduce repetitive work and lend stability to property boundaries.
- Mr. Frost** indicated there was no impact to the General Fund, any dedicated or federal fund, because these amendments provide additional options for engineers and surveyors in some types of work. Costs will be reduced for consumers for some projects and reduce the number of boundary disputes between adjoining owners.
- MOTION:** **Senator Martin** moved to send **RS29077C1** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**RS 29172** **Relating to Health Savings Accounts (HSA's).** **Chairman Patrick** noted this proposed legislation addressed HSA's for State employees by making it easier for the Idaho Department of Administration (IDOA) to calculate the monthly amounts to be deposited in an employee's HSA. There was no fiscal impact to the General Fund nor State employees because the monies come from existing funding.

**MOTION:** **Senator Lakey** moved to send **RS29172** to print. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**RS 29121C1** **Relating to Veterans.** **Mark Tschampl**, Chief Administrator, Idaho Division of Veteran Services (IDVS), reported this proposed legislation aligns the statute with current practice. The IDVS and the Idaho Division of Human Resources (IDHR) work together to implement veteran's preference protections. The two Divisions will continue to work together to ensure the rights and privileges of veterans. There is no fiscal impact to the General Fund or any dedicated fund as this legislation only aligns statute with current process.

**DISCUSSION:** **Senator Agenbroad** asked if there was any risk in jeopardizing federal funds with this change. **Mr. Tschampl** reported there was no risk.

**Senator Burgoyne** queried if there was any issue required by the State of Idaho with moving this procedure from IDVS to the IDHR relating to federal grants or other funds. **Mr. Tschampl** noted this had been the common practice to work with IDHR and there should be no impact on any funding or projects. **Senator Burgoyne** clarified his question and expressed a concern of the IDVS being out-of-compliance and jeopardizing future funding. He remarked there was nothing in statute to require the IDHR to work with the IDVS. **Mr. Tschampl** remarked this was true. He noted this section only addressed the IDHR if there was a conflict in terms of a veteran's progress or an organization not applying preference to vets. There is no impact on the IDVS or how the IDVS works with the Veteran's Administration. He stated the question has been how did the IDVS work through an issue if there was a conflict for veteran's preferences.

**Vice Chair Souza** asked for clarification on the process for selecting a veteran for a job if a vet and a non-vet were equally or not equally qualified. **Mr. Tschampl** stated the vet would be selected for the position regardless.

**Senator Guthrie** questioned if the move to have IDHR work with the IDVS was requested from the Governor or IDHR. **Mr. Tschampl** stated the request aligned with the modernization of IDHR. **Senator Guthrie** commented he needed to have a clear picture of what part of this move was part of the larger plan. **Mr. Tschampl** stated the move aligned the handling of rare situations by the IDVS for certain scenarios.

**Senator Burgoyne** remarked there was a big change in this proposed legislation because it did not say IDHR had to work with the IDVS. **Mr. Tschampl** remarked the IDVS was involved in these types of situations and traditionally brought issues before the IDHR.

**MOTION:** **Senator Guthrie** moved to send **RS29121C1** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:46 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, January 27, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
MINUTES APPROVAL:	Minutes of January 18, 2022	Senator Riggs
MINUTES APPROVAL:	Minutes of January 20, 2022	Senator Lakey
PRESENTATION	Your Health Idaho	Pat Kelly, Executive Director, Your Health Idaho

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Thursday, January 27, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**MINUTES APPROVAL:** **Senator Riggs** moved to approve the Minutes of January 18, 2022. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**Chairman Patrick** noted the Minutes Approval of January 20, 2022 would be heard after the Your Health Idaho (YHI) presentation.

**PRESENTATION:** **Your Health Idaho. Pat Kelly**, Executive Director, YHI, highlighted the changes and outlined the year for YHI (Attachment 1). He gave an extensive summary of the key accomplishments, 2021 by the numbers, the year in review, open enrollment 2022, and looking ahead.

**DISCUSSION:** **Chairman Patrick** remarked YHI has saved Idaho \$41 million. He asked Mr. Kelly to explain how YHI had added revenue in comparison to other states. **Mr. Kelly** stated savings are difficult to measure as not all states earn revenue in the same way YHI does. Some states have a portion of state funding with a fixed amount per person.

**Senator Ward-Engelking** related an incident where a constituent had been on the phone with YHI for several days regarding insurance coverage. The insurance company threatened to cancel the policy. **Mr. Kelly** reported YHI has worked with the Idaho Department of Insurance (IDOI) and the insurance carriers to ensure no one would be cancelled due to a backlog.

In response to a question from Vice Chair Souza, **Mr. Kelly** gave a brief overview of the impact the job market had on YHI with respect to those who have left the job market. **Mr. Kelly** noted there was a slight increase in enrollment on the Exchange due to this phenomenon.

**Senator Martin** queried how the Idaho State Exchange compared to those states using the federal system. **Mr. Kelly** noted the state-based Exchange was about local control. The big differential in Idaho is the partnership with the IDOI and bringing in competition that is unprecedented for the size of Idaho. Agents and brokers are the cornerstone of the success of YHI, almost doubling the rate of agent engagement compared to any other state across the country.

**Senator Agenbroad** stated \$41 million was saved by Idahoans relative to the assessment fee compared to the federal program. He queried what was



the current assessment fee in Idaho and the current federal assessment. **Mr. Kelly** reported the federal fee for fiscal year (FY) 2022 is 2.75 percent and YHI is 2.29 percent. **Senator Agenbroad** asked what type of impact the technical changes had on the assessment fee. **Mr. Kelly** explained the technology change allows real time eligibility on the Exchange. He stated he was not anticipating any change in the assessment fee, but will re-evaluate the fee next year.

**MINUTES  
APPROVAL:**

**Senator Lakey** moved to approve the Minutes of January 20, 2022. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:01 p.m.

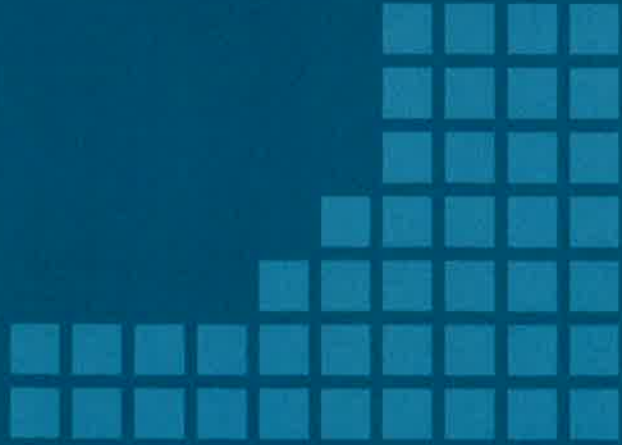
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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

ATTACHMENT 1  
January 27, 2022





# Executive Summary

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- Key accomplishments
- 2021 by the Numbers
- Year in Review
- Open Enrollment 2022
- Looking Ahead

## OUR MISSION

Maintain maximum control of Idaho's health insurance marketplace at minimal cost to its citizens.



# Key Accomplishments

# 2021 Key Accomplishments

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2021 AVERAGE ENROLLMENT:

75,000 IDAHOANS

ONE IN THREE ENROLLED IDAHOANS:

PAID \$0/MONTH

- Upon passage of the American Rescue Plan Act, Your Health Idaho was one of the first state-based marketplaces to implement the enhanced tax credits for both existing and potential enrollees. Net premiums saw an average of 36% reduction after implementation
- Your Health Idaho operating costs remain the lowest of all state-based exchanges while also maintaining a lower assessment fee than the federal marketplace, saving Idahoans nearly \$41 million through 2021.



# Your Health Idaho by the Numbers

# Your Health Idaho by the Numbers



## 2021 Enrollment Highlights

### AGE



### GENDER



## 2021

### ENROLLMENTS BY RATING AREA

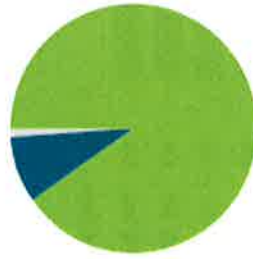




# Your Health Idaho by the Numbers



## 2021 Financials



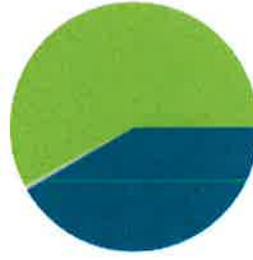
### REVENUE

Assessment Fee Revenue	\$9.4
Rent Revenue	\$0.9
Other Revenue	\$0.1
<b>TOTAL REVENUE</b>	
<b>\$10.3</b>	



### EXPENSES

Operating Expenses	\$8.8
Other Expenses	\$0.3
Capital Expenditures	\$0.6
<b>TOTAL EXPENSES</b>	
<b>\$9.7</b>	



### ASSETS

Cash and Cash Equivalents	\$10.0
Property and Equipment	\$7.2
Other Assets	\$0.1
<b>TOTAL ASSETS</b>	
<b>\$17.3</b>	

### LIABILITIES

\$0.7



# Year in Review

# Providing a Path to Coverage, the Idaho Way

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- 2021 began with a new administration and a 90-day Special Enrollment Period for the federal marketplace
  - Your Health Idaho worked with state partners to find the best solution for Idaho and Idahoans
  - Opened a one-month Special Enrollment Period during the month of March for uninsured Idahoans to get covered at a critical time in the pandemic
- American Rescue Plan Act (ARPA) was passed in March 2021 and included far-reaching impacts to the Affordable Care Act and Your Health Idaho
  - Expanded tax credits meant more Idahoans were now eligible for a monthly tax credit, and existing enrollees would see even greater savings
  - Existing customers saw, on average, a 36% reduction in their monthly premium
- Working with our partners at the Idaho Department of Health and Welfare and GetInsured, Idaho was one of the first states to implement the expanded tax credits, and at a fraction of the cost
- As of May 1, 2021, an additional 8,000+ Idahoans had gained coverage for the remainder of the year

# Striving for Excellence in Customer Service

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## YOUR HEALTH IDAHO OVERALL GOAL:

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**A FLAWLESS  
CUSTOMER  
EXPERIENCE**

- Less than three weeks after the passage of ARPA, Your Health Idaho implemented the expanded tax credits
  - On April 1, current customers were able to view updated monthly tax credits and potential customers could shop with updated eligibility
- Your Health Idaho began the process of bringing customer support for APTC eligibility in-house in the summer of 2021
  - Your Health Idaho worked closely with the Idaho Department of Health and Welfare to understand the requirements and necessary support
- Increased demand during open enrollment and seasonal staffing challenges, on top of a new workflow, resulted in a less than perfect open enrollment
  - Your Health Idaho continues to work through the backlog and is committed to making things right for our customers and partners

# Partnering with Experts

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- More than 800 Consumer Connectors completed certification training in 2021
  - Approximately 75% of all enrollments are completed with help from a Consumer Connector
- Annual fall training was held virtually, leveraging lessons learned from the previous year
  - Easily accessible for Consumer Connectors in rural areas
  - Feedback was positive and the trainings were well-attended
- In partnership with GetInsured, the Broker Mobile App was launched in 2021, allowing agents to better serve their clients on the go



# Connecting with Idahoans

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- In-person outreach continues to evolve along with the changing landscape of the pandemic
- Using lessons learned from the previous year, Your Health Idaho continues to grow our virtual presence
  - E-materials and short videos provide information and resources to statewide partners
  - Virtual education classes were offered throughout the year across several different community education platforms
- Fiscally conservative but effective paid media campaign helped promote the Special Enrollment Periods, ensuring Idahoans knew where to go for coverage



# Investing in the Your Health Idaho Brand

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- Two-part messaging survey was conducted in the spring of 2021
- The surveys were intended to determine exchange awareness among target audiences and what messages would be most effective to communicate with those audiences
- Working with Drake Cooper, Your Health Idaho launched the “Health, Yeah” campaign ahead of the 2022 open enrollment period
- Following the campaign launch, Your Health Idaho saw the highest single-day on-site activity in the history of the exchange







# Open Enrollment 2022



# Open Enrollment 2022

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## September

- Molina Healthcare of Idaho and EMI Health join the Idaho exchange for plan year 2022
- Your Health Idaho Board of Directors certifies a record number of plans; 164 medical and 17 dental

## October

- Anonymous shopping begins, 2022 plans and prices available for preview
- Renewal process begins, 99.9% completed by Nov. 1
- More than 800 agents, brokers, and enrollment counselors completed certification

## November/December

- Open Enrollment for 2022 coverage begins and runs Nov. 1 – Dec. 15, 2020
- Your Health Idaho extends deadline to Dec. 22 due to application and customer support delays

# Open Enrollment 2022: Results

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- Despite customer support challenges, more than 85,000 Idahoans enrolled through Your Health Idaho
  - Renewals: 85% , New customers: 15%
- Increase of approximately 12,000 enrollments from December 2021
- Nearly 90% of customers had paid for coverage by the end of open enrollment, indicating strong likelihood of maintaining coverage
- Approximately 24% of enrollments have had a plan since 2014 when Idaho transitioned from federal platform

## ENROLLMENT SNAPSHOT: JAN 2022

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**73,000: Medical Enrollments**

**12,000: Dental Enrollments**

**85,000: Total Enrollments**

# Looking Ahead



# Looking Ahead

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## Financial and Operational Planning

Ensure we have the right resources to execute on our plans

## Real-time Eligibility

Make Your Health Idaho a true one-stop-shop for coverage

## Always On Advertising

Grow brand awareness and reach new audiences

## Community Relations

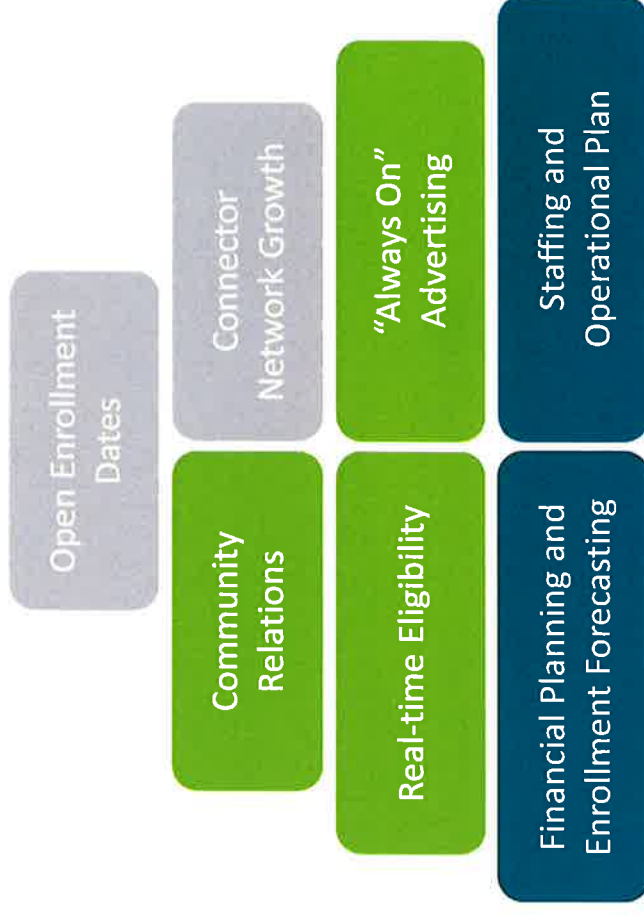
Forge and strengthen relationships around the state

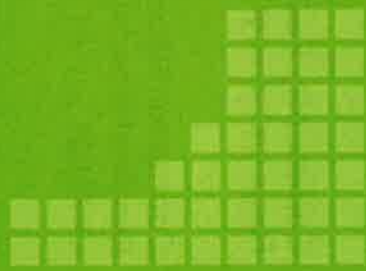
## Connector Network Growth

Repair relationships and reinforce benefits of the Idaho exchange

## Open Enrollment Dates

Work with state partners to find the best options for Idaho and Idahoans





# Delivering for Idahoans

# Delivering for Idahoans

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Local control of the Idaho marketplace delivers on the original vision of the legislature to establish a state exchange.



Your Health Idaho maintains the **lowest operating costs** of all state-based exchanges while achieving the one of the **highest per-capita enrollment rates**



Stability and competition in the Idaho marketplace continues to ensure **choice for Idahoans** with a **record number of plans** offered in 2021



**Lower assessment fee** than the federal marketplace has **saved Idahoans \$41M** through 2021



AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, February 01, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
<b>MINUTES APPROVAL:</b>	Minutes of January 25, 2022	Senator Guthrie
<a href="#"><u>S 1236</u></a>	HEALTH SAVINGS ACCOUNTS - Amends existing law to revise provisions regarding the state contribution to a state employees' health savings accounts.	Senator Thayn
<b>INTRODUCTION(S):</b>	American Rescue Plan Act of 2021 (ARPA)	Senator Patrick
<b>DOCKET NO.:</b>		
<a href="#"><u>48-0101-2100F</u></a>	Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - Idaho Grape Growers and Wine Producers Commission, p. 600	Brenna Christison Smith, Operations & Finance Manager Idaho Wine Commission
<a href="#"><u>S 1232</u></a>	ARCHITECTS AND LANDSCAPE ARCHITECTS - Amends existing law to provide for the Board of Architects and Landscape Architects.	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>S 1233</u></a>	OCCUPATIONAL LICENSING - Adds to existing law to provide for the confidentiality of investigation records.	Tim Frost
<a href="#"><u>S 1234</u></a>	DENTISTS - Amends existing law to remove a certain endorsement regarding dental hygienists.	Tim Frost
<a href="#"><u>S 1235</u></a>	ENGINEERS AND LAND SURVEYORS - Amends existing law to update definitions and to provide additional options for monuments used as references on plats and surveys.	Tim Frost

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COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov



MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Tuesday, February 01, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**Chairman Patrick** announced the Minutes Approval would be moved to a later time on the agenda.

**S 1236** **HEALTH SAVINGS ACCOUNTS - Amends existing law to revise provisions regarding the state contribution to a state employees' health savings accounts.** **Senator Thayn** noted this legislation addressed Health Savings Accounts (HSA's) for State employees by making it easier for the Idaho Department of Administration (IDOA) to calculate the monthly amounts deposited in an employee's HSA. **Senator Thayn** reported there was no fiscal impact to the General Fund nor to State employees because the monies came from existing funding. He pointed out the language on lines 29 through 33 of the bill stated "the employer shall deposit no more than the difference between the employer premium of the lowest deductible group health plan offered by the IDOA in the HSA established and created by an officer or employee enrolled in a State of Idaho high-deductible health plan."

**DISCUSSION:** **Senator Agenbroad** asked if an HSA plan should be put in place prior to this legislation. **Senator Thayn** remarked there was already an approved HSA plan and the IDOA had to put a plan in place. **Vice Chair Souza** and **Senator Thayn** discussed why there was a delay in implementing HSAs.

**MOTION:** **Vice Chair Souza** moved to send **S 1236** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Guthrie** moved to approve the Minutes of January 25, 2022. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**INTRODUCTION(S):** **American Rescue Plan Act of 2021 (ARPA).** **Chairman Patrick** pointed out there was a a handout in the agenda folders for future discussions at other Committee meetings. More information would be forthcoming.

**PASSED THE GAVEL:** Chairman Patrick passed the gavel to Vice Chair Souza.

**DOCKET NO. 48-0101-2100F** **Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule - Idaho Grape Growers and Wine Producers Commission**, p. 600. **Brenna Christison Smith**, Operations and Finance Manager, Idaho Wine Commission, reported there were no changes to the rule.

**MOTION:** **Senator Lakey** moved to approve **Docket No. 48-0101-2100F**. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chair Souza passed the gavel to Chairman Patrick.

**S 1232** **ARCHITECTS AND LANDSCAPE ARCHITECTS - Amends existing law to provide for the Board of Architects and Landscape Architects.** **Tim Frost**, Deputy Administrator, Idaho Division of Occupational and Professional Licenses (IDOPL), stated this legislation combined the Idaho Board of Architectural Examiners (IBOAE) and the Idaho Board of Landscape Architects (IBLA) into a single board of seven members to regulate architects, architect interns, landscape architects, and landscape architects in training. **Mr. Frost** noted this seven-board member approach was consistent with past board consolidation efforts with engineers/land surveyors and barbers/cosmetology.

**DISCUSSION:** **Vice Chair Souza** and **Mr. Frost** discussed the makeup of the new board.

**TESTIMONY:** **Benn Brocksome**, American Institute of Architects Idaho, testified in support of the bill. He pointed out there was a letter of support sent to the Committee (Attachment 1).

**MOTION:** **Senator Riggs** moved to send **S 1232** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**S 1233** **OCCUPATIONAL LICENSING - Adds to existing law to provide for the confidentiality of investigation records.** **Mr. Frost** asked to have this bill held in Committee. There were no objections.

**S 1234** **DENTISTS - Amends existing law to remove a certain endorsement regarding dental hygienists.** **Mr. Frost** stated this legislation amended existing law to remove an endorsement regarding dental hygienists. He noted under current law, a licensed dental hygienist working outside the traditional dentistry office setting was required to obtain a second extended access endorsement license in addition to the baseline dental hygienist license. **Mr. Frost** indicated this legislation did not change any statute requirements related to a dental hygienist working under the supervision of a dentist nor did it change the scope of practice or services that a dental hygienist may provide.

**DISCUSSION:** **Senator Burgoyne** asked what the original intent was of the legislation and was there a concern. **Mr. Frost** explained this law removed an outdated requirement.

**TESTIMONY:** **Elizabeth Criner**, Idaho State Dental Association (ISDA), testified in support of the bill. She stated the dentist was still responsible for ensuring the hygienist performed the work included in the written orders for patients. She noted there was wide support from the ISDA.

**Michael McGrane**, Idaho Dental Hygienists Association, testified in support of the bill. He remarked the expansion of access to good dental care for a wide range of patients was essential.

**MOTION:** **Senator Lakey** moved to send **S 1234** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**S 1235**

**ENGINEERS AND LAND SURVEYORS - Amends existing law to update definitions and to provide additional options for monuments used as references on plats and surveys.** **Mr. Frost** reported this legislation aligned several definitions to reduce confusion, provided alternative methods of signing documents, allowed new options for a basis of bearings (directions) on surveys, and allowed additional options for monuments used as references on plats and surveys. He stated these new options for signatures, basis of bearings, and reference monuments reduced repetitive work and lent stability to property boundaries.

**TESTIMONY:**

**Tom Judge**, Idaho Society for Professional Land Surveyors (ISPLS), testified in support of the legislation. He noted the legislation had widespread community support.

**DISCUSSION:**

**Vice Chair Souza** asked if the change was well received by the industry. **Mr. Judge** remarked the ISPLS came up with the idea and there was widespread support.

**MOTION:**

**Senator Martin** moved to send **S 1235** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:**

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:02 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary



# AIA Idaho

January 26, 2021

Dear Chairman and Committee,

The Idaho Chapter of the American Institute of Architects (AIA Idaho) is writing this letter to officially express our support for the Senate Bill 1042 currently under review by the Commerce and Human Resources Committee.

AIA Idaho governing board represents over 360 AIA members across Idaho whose main professional concern is that our public infrastructure and private buildings provide safe and healthy environments. The American Institute of Architects is the national organization of design professionals whose mission is to ensure that the health, safety and welfare of the public are protected through quality design and construction practice and by industry regulations that promote quality and accountability.

The proposed revisions to the QBS Law, SB 1042 ensure that the Qualifications Based Selection legislation originally enacted in 1976 remains adequate and relevant. The revised language requires all public agencies to protect the public interests and welfare by using the proper qualifications based and not the cost-based selection process of the design, engineering, survey and landscaping professionals for any project with service fees over \$50,000 that requires public funding.

We strongly encourage you to support the adoption of the SB 1042. This revised act will continue ensuring that the governmental selection of the contractors is a consistent and fair process, which supports transparency, accountability and the highest quality of the public projects. The \$25,000 increase in the service /contract fee will bring the QBS law up to date.

The updated QBS process will continue serving the building industry of Idaho and remain the foundation of a consistently safe infrastructure as the local public demands and deserves.

Sincerely,

Chad Blincoe

Digitally signed by Chad Blincoe  
DN: cn=Chad Blincoe, o=Blincoe Architecture,  
ou, email=chad@blincoearchitecture.com, c=US  
Date: 2021.01.26 10:35:47 -0700

Chad Blincoe, AIA  
President  
Idaho Chapter of the American Institute of Architects (AIA Idaho)

*Ben Brocksome*  
*Attachment 1*

*2/1/2022*

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, February 03, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES APPROVAL:</b>	Minutes of January 27, 2022	Senator Martin
<b><a href="#">RS 29257</a></b>	Relating to Insurance	Senator Riggs
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Brett Thomas to the Idaho Health Insurance Exchange Board	Brett Thomas, Your Health Idaho
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Karan Tucker to the Idaho Health Insurance Exchange Board	Karan Tucker, Your Health Idaho
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Gregory Donaca to the Idaho Health Insurance Exchange Board	Gregory Donaca, Your Health Idaho
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Janice Fulkerson to the Idaho Health Insurance Exchange Board	Janice Fulkerson, Your Health Idaho
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Kevin Settles to the Idaho Health Insurance Exchange Board	Kevin Settles, Your Health Idaho

COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scm@senate.idaho.gov](mailto:scm@senate.idaho.gov)

MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Thursday, February 03, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Vice Chair Souza** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:32 p.m.

Minutes Approval was moved to later on the agenda.

**RS 29257** **Relating to Insurance.** **Senator Riggs** introduced this proposed legislation indicating the problem of phantom insurance and reduced payments for benefits paid by others would be eliminated. He explained when a citizen purchased motor vehicle under-insurance coverage, the purchaser received the stated benefit provided on the declarations page. **Senator Riggs** noted an insurance company that received a premium for underinsured coverage was prevented from taking credit for the benefits paid by other's insurance companies. Benefits recoverable to the purchaser's actual losses or the amount of coverage purchased would be limited. Some motor vehicle insurance companies already voluntarily provided this type of coverage, and premium rates were competitive with companies that did not currently adhere to this policy.

**MOTION:** **Senator Martin** moved to send **RS 29257** to print. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:** Vice Chair Souza passed the gavel to Chairman Patrick.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Brett Thomas to the Idaho Health Insurance Exchange Board (IHIEB)**, of Twin Falls, Idaho, term commencing April 4, 2021 and expiring April 10, 2025. **Mr. Thomas** gave a brief overview of his background and job history. **Mr. Thomas** noted he brought a unique perspective as an insurance broker to the IHIEB.

**DISCUSSION:** In response to questions from the Committee, **Mr. Thomas** noted that because of his background in the restaurant industry, a degree in psychology, and eventually becoming an insurance agent, he brought a variety of experience to the IHIEB. He stated Idaho was unique with the relationship Your Health Idaho (YHI) had with agents and clients. He remarked YHI led the way for state exchanges.

**Mr. Thomas** and **Senator Agenbroad** discussed the delay in sign-ups this year and how the issues were handled with the extension of open enrollment. **Mr. Thomas** related one of his greatest privileges was to serve on the IHIEB and that granted him a different perspective of YHI. He stated the team at YHI had personally taken an interest in how much they wanted to accomplish.

**Chairman Patrick** noted in the interest of time, all votes on Gubernatorial Reappointments would take place on Tuesday, February 8, 2022.

**MINUTES  
APPROVAL:**

**Senator Martin** moved to approve the Minutes of January 27, 2022. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL  
REAPPOINTMENT:**

**Committee Consideration of the Gubernatorial Reappointment of Karan Tucker to the Idaho Health Insurance Exchange Board (IHIEB)**, of Boise, Idaho, term commencing April 4, 2021 and expiring April 10, 2025. **Ms. Tucker** gave a brief overview of her background and job history. **Ms. Tucker** stated she represented constituents and the non-profit sector. She noted access to health insurance was essential.

**DISCUSSION:**

In response to questions by the Committee, **Ms. Tucker** remarked she learned what happened behind the scenes at YHI and that gave her hope and more confidence people could access insurance more easily. She noted more people have control over their health insurance and YHI was a good way for those who gained success to step up.

**Senator Burgoyne** and **Ms. Tucker** discussed the perspective brought to the IHIEB from her experience with outreach across the State.

**GUBERNATORIAL  
REAPPOINTMENT:**

**Committee Consideration of the Gubernatorial Reappointment of Gregory Donaca to the Idaho Health Insurance Exchange Board (IHIEB)**, of Boise, Idaho, term commencing April 10, 2021 and expiring April 10, 2025. **Mr. Donaca** stated he brought unique insights into the IHIEB from the carrier and oral health side. He was vice chair of the Finance Committee for the IHIEB. He noted YHI did a great job and he was looking forward to serving on the IHIEB.

**DISCUSSION:**

**Senator Lakey** queried how YHI used technology and what was projected for the future. **Mr. Donaca** stated the overall platform was utilized for the YHI Exchange. Because YHI had to deal with people working remotely, security was of the utmost priority.

**Senator Martin** and **Mr. Donaca** discussed Mr. Donaca's background in technology and the accounting field.

**Vice Chair Souza** commented she was surprised to see Delta Dental listed on the YHI Exchange as a product since Delta Dental was the only dental health provider. She asked if the reduction in price was the same as other products on the YHI Exchange. **Mr. Donaca** noted fees were reduced for children, with the product being offered at a lower amount.

**Senator Burgoyne** and **Mr. Donaca** discussed how outreach was done through the carriers. **Mr. Donaca** remarked YHI worked with carriers to remind people of the outreach program, but more could be done.

**GUBERNATORIAL  
REAPPOINTMENT:**

**Committee Consideration of the Gubernatorial Reappointment of Janice Fulkerson to the Idaho Health Insurance Exchange Board (IHIEB)** of Meridian, Idaho, term commencing April 10, 2021 and expiring April 10, 2025. **Ms. Fulkerson** remarked she enjoyed serving on the IHIEB as vice chair of the Marketplace Committee. She had a broad range of connectivity for all components of the IHIEB. She noted the YHI Exchange focused on the impact of the low-cost promise.

**DISCUSSION:**

**Vice Chair Souza** and **Ms. Fulkerson** discussed how the IHIEB handled access to services for those with addictions.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Kevin Settles to the Idaho Health Insurance Exchange Board (IHIEB)**, of Boise, Idaho, term commencing April 10, 2021 and expiring April 10, 2025. **Mr. Settles** advised the Committee it was very rewarding to have served on the IHIEB.

**DISCUSSION:** **Senator Martin** and **Mr. Settles** discussed his background in management and community service.

**Senator Burgoyne** commented Mr. Settles set the standard for community service in all of Idaho and should be recognized as setting a tone for the community.

**Chairman Patrick** pointed out there was a handout from the Joint-Finance and Appropriations Committee regarding the American Rescue Plan (ARPA) Funds. He urged the Committee to read and understand the issue. He remarked there would be a presentation next week to explain the funds.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:26 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary



**AMENDED AGENDA #1**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, February 08, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Reappointment of Brett Thomas, Karan Tucker, Gregory Donaca, Janice Fulkerson, and Kevin Settles to the Idaho Health Insurance Exchange Board	Senator Patrick
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Darin DeAngeli to the Public Employees Retirement System Board	Darin DeAngeli - PERSI Board
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Stephen Weeg to the Idaho Health Insurance Exchange Board	Stephen Weeg, Your Health Idaho, Idaho Health Insurance Exchange Board
<b>GUBERNATORIAL APPOINTMENT:</b>	Committee Consideration of the Gubernatorial Appointment of Peter Sorensen to the Idaho Health Insurance Exchange Board	Peter Sorensen, YHI, Idaho Health Insurance Exchange Board
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Hyatt Erstad to the Idaho Health Insurance Exchange Board	Hyatt Erstad, YHI, Idaho Health Insurance Exchange Board
<a href="#"><u>RS 29382</u></a>	Relating to Motor Vehicle Insurance	Senator Guthrie
<a href="#"><u>RS 29065C2</u></a>	Relating to Abstractor's of Title	Tim Frost, Deputy Administrator, Idaho Division of Occupational & Prof. Licenses
<a href="#"><u>S 1260</u></a>	INSURANCE - Adds to existing law to provide that health benefit plans and student health benefit plans covering prescription contraception must provide reimbursement for a six-month supply except under certain circumstances. Consideration of Sending S 1260 to the Floor for Re-Referral	Senator Wintrow
<a href="#"><u>H 450</u></a>	EMPLOYMENT SECURITY LAW - Amends existing law to provide base tax rates for certain years.	Jani Revier, Director, Idaho Department of Labor

***Public Testimony Will Be Taken by Registering Through the Following Link:  
[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick

Vice Chairman Souza

Sen Martin

Sen Lakey

Sen Guthrie

Sen Agenbroad

Sen Riggs

Sen Ward-Engelking

Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz

Room: WW46

Phone: 332-1333

Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Tuesday, February 08, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the Senate Commerce and Human Resources Committee (Committee) to order at 1:35 p.m.

**GUBERNATORIAL APPOINTMENT VOTE:** **Committee Vote on the Gubernatorial Reappointment of Brett Thomas, Karan Tucker, Gregory Donaca, Janice Fulkerson, and Kevin Settles** to the Idaho Health Insurance Exchange Board (IHIEB). **Chairman Patrick** asked the Committee if there were any objections to approving the gubernatorial reappointments. There were none.

**MOTION:** **Senator Guthrie** moved to send the Gubernatorial Reappointments of Brett Thomas, Karan Tucker, Gregory Donaca, Janice Fulkerson, and Kevin Settles to the IHIEB with the recommendation they be confirmed. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Darin DeAngeli to the Public Employees Retirement System Board (PERSI).** **Mr. DeAngeli** gave a brief overview of his background. He noted the PERSI fund had grown since he became a member of the PERSI Board. He noted with the second PERSI Board meeting in 2019, PERSI had embarked upon a governance project where all structures and processes were examined to modernize and fill gaps where necessary. He stated the process was nearly complete and PERSI had recently adopted funding guidelines to ensure the focus was to maintain a stable system, minimize contribution rate increases, and provide discretionary cost-of-living adjustments. The long-term rate of return was lowered from 7 percent to 6.3 percent in order to maintain a stable system. He remarked the PERSI Board was committed to maintain and improve system performance for the benefit of the members.

**Mr. DeAngeli** stated PERSI was recognized as one of the top performing retirement plan systems in the United States.

**DISCUSSION:** **Vice Chair Souza** queried what part of the last two years had changed his expectations. **Mr. DeAngeli** remarked he was well-prepared by three other board members prior to joining the PERSI Board and expected to be surprised at any time.

**Senator Lakey** and **Mr. DeAngeli** discussed some of the challenges facing PERSI in the next few years, including a proposed third class of membership for the PERSI system.

**Senator Guthrie** and **Mr. DeAngeli** discussed the strength of the stock market and how that would affect PERSI long-term investments.

**Chairman Patrick** announced the gubernatorial reappointment vote would take place at the next meeting.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Stephen Weeg to the IHIEB.** **Stephen Weeg** testified remotely. He gave a brief overview of his background. He said the IHIEB was one of the best boards he had served. He said the mission of the IHIEB was to give maximum control to the marketplace. He remarked he had enjoyed the last nine years and looked forward to the future.

**DISCUSSION:** The Committee praised Mr. Weeg for his work on the IHIEB and his willingness to serve to make the IHIEB successful.

**Chairman Patrick** announced the gubernatorial reappointment vote would take place at the next meeting.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Peter Sorensen to the IHIEB.** **Peter Sorensen** gave a brief overview of his background. He noted he had worked at Blue Cross of Idaho for the past 37 years. He said he became involved in the IHIEB in 2012 when Your Health Idaho was being formed.

**Chairman Patrick** announced the gubernatorial vote would take place at the next meeting.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Hyatt Erstad to the IHIEB.** **Hyatt Erstad** gave a brief overview of his background. He noted he was involved with the IHIEB when it was first formed. He filled the agent consultant role on the IHIEB. He noted the IHIEB had saved a significant amount of money for fellow Idahoans and administered the program for less than the federal government.

**DISCUSSION:** The Committee thanked Mr. Erstad for his service and for bringing all of his knowledgeable background to the IHIEB.

**Chairman Patrick** announced the gubernatorial reappointment vote would take place at the next meeting.

**RS 29382**

**Relating to Motor Vehicle Insurance.** **Senator Guthrie** reported this proposed legislation was a compromise that required underinsured motor vehicle coverage be excess only at coverage levels that were less than two times the minimum liability limit, while still allowing either offset or excess coverage at higher limits. Minimum liability limits in Idaho were \$5,000 per person and \$50,000 per accident. He stated that particularly at higher limits of coverage, there was a significant price increase for excess coverage. It was important to preserve the availability of both offset and excess coverage.

**Senator Guthrie** indicated underinsured motor vehicle insurance had a difference in limits referred to as offset coverage or excess coverage. The debate regarding underinsured motor vehicle coverage had centered around whether both the offset and excess varieties should be allowed or if offset coverage should be prohibited and excess coverage be mandated.

**Senator Guthrie** remarked it appeared 31 states allowed both offset and excess coverage and 16 states mandated excess only and did not allow offset coverage.

He noted there was no fiscal impact to the General Fund as this legislation applied to insurance companies who provided motor vehicle insurance policies. He gave an example of a price impact in Oregon when offset coverage was prohibited and excess coverage was mandated in 2016 and that resulted in large price increases for underinsured motor vehicle coverage.

**Senator Guthrie** cited the February 1, 2022 Idaho Supreme Court decision relating to underinsured motor vehicle coverage at the minimum limits. This proposed legislation was aligned with the Idaho Supreme Court decision.

**MOTION:**

**Senator Agenbroad** moved to send **RS 29382** to print. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**RS 29065C2**

**Relating to Abstractor's of Title.** **Tim Frost**, Deputy Administrator, Idaho Division of Occupational and Professional Licenses (IDOPL), stated this proposed legislation eliminated inactive provisions of law and repealed an outdated section of Idaho Code §54-63-307, Abstractor's of Title. **Mr. Frost** indicated the statute chapter had not been updated since 1963 and was no longer in use.

**MOTION:**

**Senator Lakey** moved to send **RS 29065C2** to print. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**S 1260**

**INSURANCE - Adds to existing law to provide that health benefit plans and student health benefit plans covering prescription contraception must provide reimbursement for a six-month supply except under certain circumstances. Consideration of Sending S 1260 to the Floor for Re-Referral.**

**MOTION:**

**Senator Martin** moved that **S 1260** be sent to the floor for Re-Referral. **Senator Lakey** seconded the motion.

**DISCUSSION:**

**Senator Martin** noted this bill originated in the Senate Health and Welfare Committee and was assigned in error to this Committee. **Vice Chair Souza** remarked this was an issue that was assigned to this Committee because it involved insurance. **Senator Martin** stated there was a problem across the rotunda last year and the intent this year was to hear this bill in the House Health and Welfare Committee.

**VOTE ON MOTION:** There were no objections to the motion that **S 1260** be sent to the floor for Re-Referral.

**H 450**

**EMPLOYMENT SECURITY LAW - Amends existing law to provide base tax rates for certain years.** **Jani Revier**, Director, Idaho Department of Labor, gave a brief overview of how unemployment insurance taxes were set. She said this bill froze the 2021 base of unemployment insurance tax rate for 2022 and 2023. **Ms. Revier** reported Idaho Code § 72-1350 established the formula to determine the unemployment insurance tax rate for each business. She outlined the formula and how it worked. She noted the code requirements and how businesses were ranked.

**Ms. Revier** summarized how the base tax rate was used to determine the tax rate for each rate class. Businesses with the highest positive experience rating were assigned the lowest tax rate, while deficit-rated employers paid a significantly higher rate. Due to the pandemic, there was a tremendous increase in people applying for and receiving unemployment insurance benefits. She reported due to this historic draw on the trust fund, the base tax rate was forecast to increase by 77 percent to keep the fund solvent. She noted in order to prevent a large tax increase for Idaho employers, the Governor approved a \$200 million transfer of Coronavirus Aid, Relief, and Economic Security (CARES) Act funding to the Unemployment insurance (UI) Trust Fund. Transfer of CARES Act funding allowed for a one-time base tax decrease of 18.5 percent in 2021, but the formula triggered a corresponding increase in 2022 to keep fund solvency levels where they needed to be.

**Ms. Revier** remarked by freezing the 2021 base rate for two years, there would not be a spike in rates for 2022 followed by a steep decline in 2024. Rates would remain level through this time period and the trust fund would remain solvent. She pointed out the benefits for businesses (Attachment 1).

**Ms. Revier** stated there was no fiscal impact to the General Fund as these changes pertained to the UI program and the associated UI trust fund. The impact to the trust fund would be a decrease of \$20 million in 2022 and \$44 million in 2023.

**DISCUSSION:** **Senator Burgoyne** asked for clarification on looking towards the third year and asked if the \$64 million would be returned or was it needed for solvency. **Ms. Revier** reported if the \$64 million was collected over the next two years, there would be a steep decline for solvency purposes and it would not be needed. The legislation proposed to make the rate constant over the next three years. She stated after that the formula would take over. Fluctuation would be seen for whatever the new solvency level was necessary to meet with the new 20-year look-back and would be slightly less than now.

**MOTION:** **Senator Burgoyne** moved to send **H 450** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:25 p.m.

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Senator Patrick  
Chair

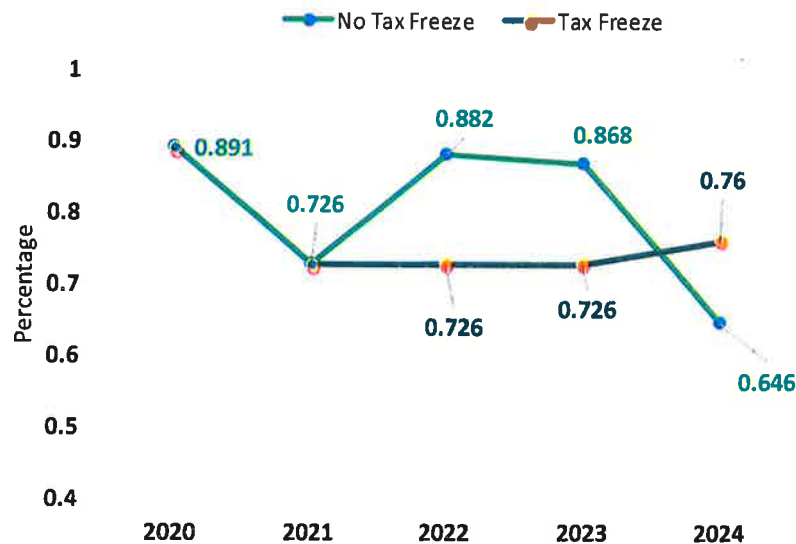
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Linda Kambeitz  
Secretary

## HB450 Unemployment Insurance Tax Rate Stability

- Immediate savings to employers comes from not collecting \$64 million over 2022-23 while the tax freeze is in effect.
- The tax formula, as enacted in code, takes into consideration the cost of providing benefits by looking back over the past 20 years of costs on a rolling years system. Because of this system, over the next two years the high cost years from the 2001-2002 recession will drop off and no longer be a component affecting the tax rate calculation.
- Freezing rates for two consecutive years do not change the fund's solvency. Employers could get rate stability over a two- or three-year period at a record-low tax rate before the fund re-adjusts itself to fresher 20-year costs.
- Consistent tax rates provide the business community with expense predictability. A lower tax rate helps employers manage cost expectations, incentivizing growth and creating opportunities for economic expansion.

### Employer Base Tax Rates



\$64 million savings	
2022	2023
\$20 million	\$44 million

**AMENDED AGENDA #1**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, February 10, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES APPROVAL:</b>	Minutes of February 1, 2022	Senator Ward-Engelking
<b>MINUTES APPROVAL:</b>	Minutes of February 3, 2022	Senator Agenbroad
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Reappointment of Stephen Weeg and Hyatt Erstad to the Idaho Health Insurance Exchange Board	Senator Patrick
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Appointment of Peter Sorensen to the Idaho Health Insurance Exchange Board	Senator Patrick
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Reappointment of Darin DeAngeli to the Public Employees Retirement System Board	Senator Patrick
<a href="#"><u>RS 29480</u></a>	Relating to Banking Interchange Fees	Senator Harris
<a href="#"><u>RS 29406</u></a>	Relating to Employment Contracts	Senator Ward-Engelking
<a href="#"><u>RS 29408</u></a>	Stating Findings of the Legislature and Rejecting a Certain Rule of the Idaho Department of Labor to Unemployment Insurance Benefit Administrative Rules	Senator Patrick
<a href="#"><u>RS 29417</u></a>	Relating to the Consumer Protection Act	Senator Vick
<a href="#"><u>RS 29505</u></a>	Relating to the Idaho Credit Union Act	Ryan Fitzgerald, Vice President, Legislative Affairs, Idaho Northwest Credit Union Association
<a href="#"><u>RS 29521</u></a>	Relating to Architect Mutual Recognition Agreements	Senator Riggs
<a href="#"><u>RS 29033</u></a>	Relating to the Idaho Division of Occupational and Professional Licenses -To Change Division References	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>RS 29471</u></a>	Relating to the Department of Self-Governing Agencies	Tim Frost



[RS 29522](#)

Relating to Consumer Protection

Robert VandeMerwe,  
Executive Director,  
Idaho Health Care  
Association

**GUBERNATORIAL REAPPOINTMENT:** Committee Consideration of the Gubernatorial Reappointment of Margaret Henbest to the Idaho Health Insurance Exchange Board

Margaret Henbest

[S 1244](#)

OCCUPATIONAL LICENSING - Amends and repeals existing law to authorize the administrator of the Division of Occupational and Professional Licenses to establish advisory committees.

Tim Frost

[S 1237](#)

VETERANS - Amends existing law to authorize the Division of Human Resources to issue certain rules.

Mark Tschampl, Chief  
Administrator, Idaho  
Division of Veteran  
Services

**PRESENTATION:** American Rescue Plan Act (ARPA) Funds  
Relating to Commerce and Human Resources

Alex Adams,  
Chief Financial  
Officer, Idaho  
Division of Financial  
Management

***Public Testimony Will Be Taken by Registering Through the Following Link:  
[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: scom@senate.idaho.gov

MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Thursday, February 10, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:31 p.m.

**MINUTES APPROVAL:** **Senator Ward-Engelking** moved to approve the Minutes of February 1, 2022. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Agenbroad** moved to approve the Minutes of February 3, 2022. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT VOTE:** **Vice Chair Souza** moved to send the gubernatorial reappointment of Stephen Weeg and Hyatt Erstadt to the Idaho Health Insurance Exchange Board (IHIEB) to the floor with the recommendation they be confirmed. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT VOTE:** **Senator Riggs** moved to send the gubernatorial appointment of Peter Sorensen to the IHIEB to the floor with the recommendation he be confirmed. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT VOTE:** **Senator Burgoyne** moved to send the gubernatorial reappointment of Darin DeAngeli to the Public Employees Retirement System Board to the floor with the recommendation he be confirmed. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**Chairman Patrick** commented because there were so many RS's before the Committee, he asked if a motion was in order.

**MOTION:** **Senator Guthrie** moved to send **RS 29480, RS 29406, RS 29408, RS 29417, RS 29505, RS 29521, RS 29033, RS 29471, and RS 29522** to print. **Senator Riggs** seconded the motion. There were no objections.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Margaret Henbest to the Idaho Health Insurance Exchange Board (IHIEB).** **Ms. Henbest** testified remotely. She gave a brief overview of her background. She noted she had been with the IHIEB since the inception. Because she was a former legislator and a nurse practitioner, she stated she had a passion and an interest in health insurance. She said she was proud that over 75,000 people had affordable insurance because of the IHIEB. **Ms. Henbest** emphasized it was her privilege to serve as the Chair of the Governance Committee and to mentor others moving into that position.

**DISCUSSION:** **Senator Burgoyne** commented Ms. Henbest's qualifications were superb and the Committee was very appreciative of her service.

**Chairman Patrick** noted the Committee would vote at the next meeting.

**S 1244** **OCCUPATIONAL LICENSING - Amends and repeals existing law to authorize the administrator of the Idaho Division of Occupational and Professional Licenses (IDOPL) to establish advisory committees as needed to provide efficient and appropriate services to the various professions, trades, occupations, and programs administered within the IDOPL.** **Tim Frost**, Deputy Administrator, IDOPL, reported this proposal repealed the requirement for the establishment of an advisory committee for advanced practice registered nurses. He indicated there were two letters of support from the nurses (Attachments 1 and 2). The IDOPL administrator would be allowed to continue and refine current advisory committees, establish new volunteer advisory committees, and discontinue advisory committees no longer needed. He noted the creation of any new advisory committees would work in conjunction with the boards and commissions, as well as the sunrise and sunset procedures established by the Idaho Legislature.

**Mr. Frost** indicated there would be no impact on the State's General Fund, any dedicated fund, or federal fund because the establishment of any new advisory committees did not provide honorarium payment impacting the IDOPL dedicated fund. He reported advisory committees would assist the IDOPL administrator on key regulatory issues and assist boards and the Legislature in periodic review of statute and rules to balance public safety and restrictions of professions. This expertise may assist in identifying unnecessary regulatory barriers and reduce the cost to consumers.

**DISCUSSION:** **Vice Chair Souza** remarked that prior to this bill, the advanced practice nurse practitioners had a panel that was not established in statute. **Mr. Frost** noted there was a statute established in 1998 but the committee was no longer needed.

**MOTION:** **Senator Riggs** moved to send **S 1244** to the floor with a **do pass** recommendation. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

**S 1237** **VETERANS - Amends existing law to authorize the Division of Human Resources (IDHR) to issue certain Rules.** **Mark Tschampl**, Chief Administrator, Idaho Division of Veteran Services (IDVS) provided the background for prior legislation on this matter. He noted Idaho Code governed the action when a public employer failed or refused to give Veterans Preference (VP) but the veteran was equally qualified for the job. He stated this legislation aligned the statute with current practice. IDVS had always referred these cases to the IDHR to work the appeals process with the public employer. This legislation would authorize in code, instead of the IDVS, to issue rules for the enforcement of VP. The IDHR and the IDVS worked together to implement VP protections. They would continue to work together to ensure the rights and privileges of veterans.

**Mr. Tschampl** noted there was no impact to the State's General Fund or any dedicated fund as it only aligned statute with current process. No new funds were necessary to continue to provide the benefits of the statute to veterans.

- MOTION:** **Senator Lakey** moved to send **S 1237** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.
- PRESENTATION:** **American Rescue Plan Act (ARPA) Funds Relating to Commerce and Human Resources.** **Alex Adams**, Chief Financial Officer, Idaho Division of Financial Management (IDFM), gave a report on the status of ARPA funds in Idaho. He gave an overview of relief funds that came into the State of Idaho. **Mr. Adams** noted Idaho received the smallest amount of Coronavirus-19 (COVID) relief funds and referred to the map in the PowerPoint (Attachment 3). He also outlined what the money was used for but the State did have some discretion on how to use the money (Attachment 3A).
- DISCUSSION:** **Vice Chair Souza** and **Mr. Adams** discussed what states took the ARPA funds and how funds were appropriated. **Mr. Adams** noted some states waited to use the ARPA funds as did Idaho.
- PRESENTATION:** **Mr. Adams** pointed out that **H 592** required policy regulation. Over 50 million people had been priced out of the housing market and economic feasibility did not make workforce housing feasible for developers. **Mr. Adams** noted the legislation created an Idaho Workforce Housing Advisory Commission (IWHAC) and established the Idaho Workforce Housing Fund (IWHF). The IWHAC would consist of ten members and would be tasked with developing, implementing, and maintaining a statewide workforce housing plan. The IWHF would be created to accept monies as allocated by the Legislature and distribute funds according to the statewide plan as implemented by the IWHAC (Attachment 4).
- Mr. Adams** outlined the various grants that applied to the Committee. Among those were Workforce Housing - \$50 million; Childcare Expansion Grants - \$50 million; Food Bank Support - \$1 million; Workforce Training - \$50 million, and State Health Insurance Reserves - \$25 million. He noted there was a lack of childcare in the State and the monies allocated focused on the development infrastructure for childcare. There was an application process that would require a 50 percent match from the employer.
- DISCUSSION:** In answer to a question from **Chairman Patrick**, **Mr. Adams** noted the cost for the childcare grant would be maintained over the years with a one-time cost using one-time funds. The employer would sustain and create the program.
- PRESENTATION:** **Mr. Adams** outlined the requirements for the various grants. He stated the State health insurance reserves of \$25 million provided health insurance to State employees, which averaged \$1 million a month for COVID. Premiums were linked to a certain reserve level with a \$12,500 expense per employee. He indicated the State added \$25 million to shore up the reserve. Costs were expected to decrease over time.

**DISCUSSION:**

**Chairman Patrick** remarked the cost per employee increased by \$860. **Mr. Adams** explained, based on current information, the \$12,600 per employee was projected for next year.

**Senator Guthrie** and **Mr. Adams** discussed the possible establishment of a germane committee and the path moving forward through the Joint Finance-Appropriations Committee for funding.

**Senators Riggs, Guthrie, and Vice Chair Souza** discussed the consequences with **Mr. Adams** of not spending the ARPA funds, not meeting deadlines, what would happen to the funds if the funds were not used, not following the federal guidelines, and how the \$8,000 per capita funding was applied. **Mr. Adams** reassured the Committee the deadline was December of 2026 and meeting that deadline was not a concern. He also noted expectations were tied to these dollars in advance, the funds were separate for each program, and it would be hard for the federal government to retroactively take the money back.

**ADJOURNED:**

There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:25 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary



TO: Idaho Legislature  
House of Representatives Health & Welfare Committee  
Idaho Senate Health & Welfare Committee

January 27, 2022

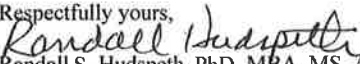
Subject: Board of Nursing Legislation to Eliminate the Advanced Practice Registered Nurse (APRN)  
Advisory Committee to the Board of Nursing

I am writing in my role as Executive Director of the Idaho Center for Nursing, as a currently licensed APRN (Nurse Practitioner) in Idaho, and as a former Chairman of the Idaho Board of Nursing. The Idaho Center of Nursing is the umbrella organization that manages nursing professional organizations in Idaho and works closely with the Board of Nursing. We can say that we represent the estimated 26,000 licensed nurses in Idaho.

**The Idaho Center for Nursing and Idaho nurses SUPPORT the Board's proposed legislation to eliminate the APRN Advisory Committee.**

I was a member of the APRN Advisory Committee for 9 years, and I know its function and its outcomes well. The genesis of this committee was a 1998 change in the Nurse Practice Act (NPA) that removed the involvement of the Idaho Board of Medicine from Nurse Practitioner regulation, at the IBOM's own request, and placed sole regulatory responsibility at the Board of Nursing. To mitigate concerns by the Idaho Medical Association, that wanted to maintain oversight and supervision of nurses, this committee was formed as compromise language associated with the NPA revision. In 2003, physician supervision of APRNs was removed from statute, but the APRN committee was sustained. Today there are 3,577 APRNs (Nurse Practitioners, Anesthetists, Nurse Midwives, and Clinical Nurse Specialists) licensed in Idaho, including 2,116 Nurse Practitioners, which was the original APRN group of concern that resulted in the APRN Committee formation. Almost 50% of all primary care in Idaho is provided by a Nurse Practitioner.

When reviewing the issues that are discussed by the APRN Committee that advance to the full BON, advice and recommendations to the BON are minimal. Today, BON decisions regarding practice and education are guided by policy and national standards. Disciplinary issues are rare for APRNs and most commonly relate to drug diversion, which is not an issue addressed by the APRN Committee. Thus, over the years the APRN Committee has evolved and does not significantly contribute to board decisions. If the BON desires to address specific APRN issues there is a mechanism to call a special workgroup for this purpose. Thus, the ICN supports the legislative request to abolish the APRN Committee of the BON.

Respectfully yours,  
  
Randall S. Hudspeth, PhD, MBA, MS, APRN-CNP, FAANP  
Executive Director, Idaho Center for Nursing (208.860.9338)  
6126 West State St., Suite 406  
Boise, ID 83703



February 6, 2022

Senator Jim Patrick  
P.O. Box 83720  
Boise, Idaho 83720-0081

Dear Senator Patrick,

On behalf of the over 1,800 licensed Nurse Practitioners (NPs) in the state of Idaho, we are writing to you today in support of S1244, the proposed changes to section 54-1417 of Idaho code. S1244 will replace the current Advanced Practice Registered Nurse (APRN) committee with an as-needed, consulting volunteer committee. These changes would reduce redundancies and cost to the Board of Nursing, while preserving the safeguards to utilize consultation services as needed. It would also allow NPs to better practice at the top of their licensure while removing barriers to NP care.

The Advanced Practice Registered Nurse (APRN) Committee, at its inception, was created to provide direction to the Board of Nursing from the perspective of a variety of medical providers and practice experts. Yet, since its creation, the committee has not provided any significant benefit to Idaho NP practice. In 2004, Idaho was the first state in the nation to allow NPs to practice at the full capacity of their license and training without physician supervision. In more than 100 studies on care provided by both nurse practitioners and physicians, not a single study has found that nurse practitioners provide inferior services. Nurse Practitioners provide evidence-based, safe, cost-effective and high-quality care for Idahoans. The Idaho NP workforce has grown by nearly 30% in the past two years, most significantly in the rural areas of the state, and now account for nearly half of the primary care workforce in Idaho. There are seven communities that rely on an NP as the sole access to medical care. Our organization, as well as the Idaho Association of Nurse Anesthetists and the Idaho Center for Nursing, are well-established organizations that represent the APRNs in the state and collaboratively work together to allow timely, cost-effective health care access to Idahoans. The Board of Nursing can rely on these organization to provide expert advice on all APRN issues.

The 2020 Future of Nursing Report by the National Academy of Medicine (previously known as the Institute of Medicine) boldly states: "Nurses at all levels and in all settings face multiple practice barriers to advancing health equity beyond those limiting scope of practice. For the country to achieve health equity for all, nurses need environments that allow them to fully leverage their skills and expertise across settings including those that expanded scope of practice, telehealth eligibility, insurance coverage, and payment parity for services nurses provide." The changes proposed in S1244 would reduce further barriers to NP care, and so we ask for your vote in favor of S1244.

Sincerely,

*Sarah Curtright*, DNP, APRN, NP-C  
NPI President

*Colleen Shackelford*, DNP, APRN, NP-C  
NPI Legislative Chair



## Governor's ARPA Recommendation

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Alex J. Adams  
DFM Administrator





# Outline

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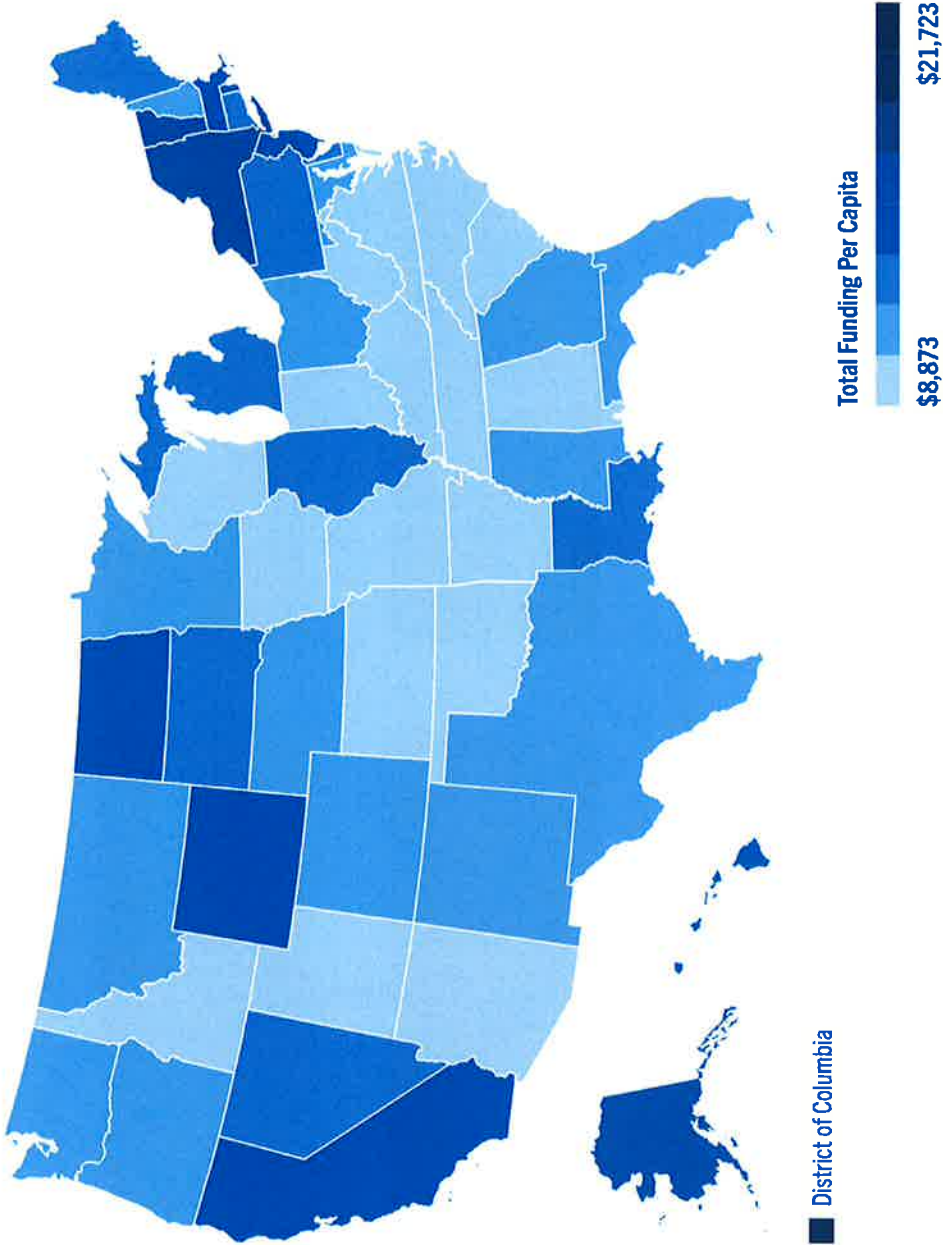
- Federal COVID-19 Relief Funds Overview
- ARPA State Fiscal Recovery Fund
  - Commerce Recommendation

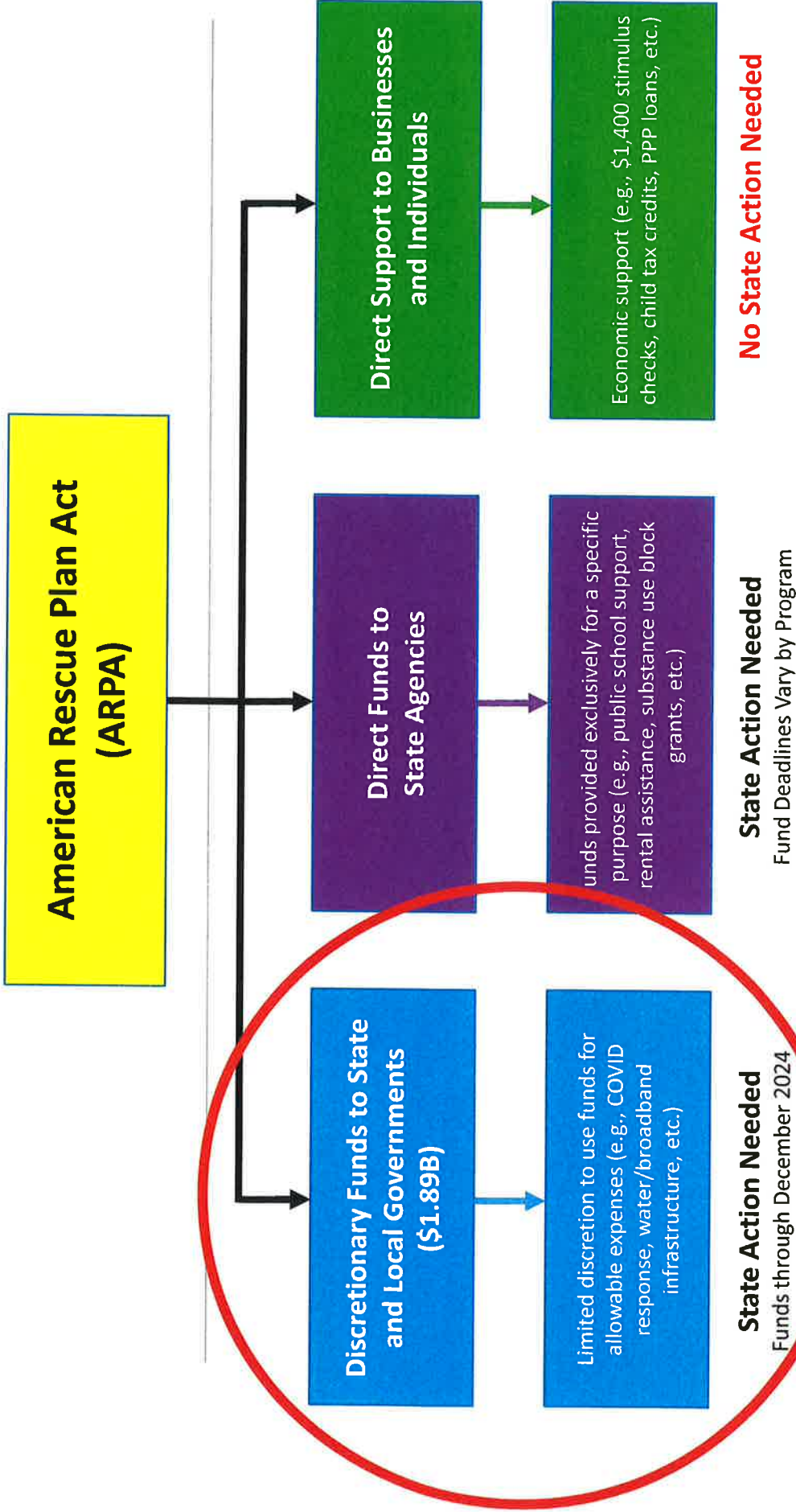


# Distribution of Federal Funding from COVID-19 Programs by State

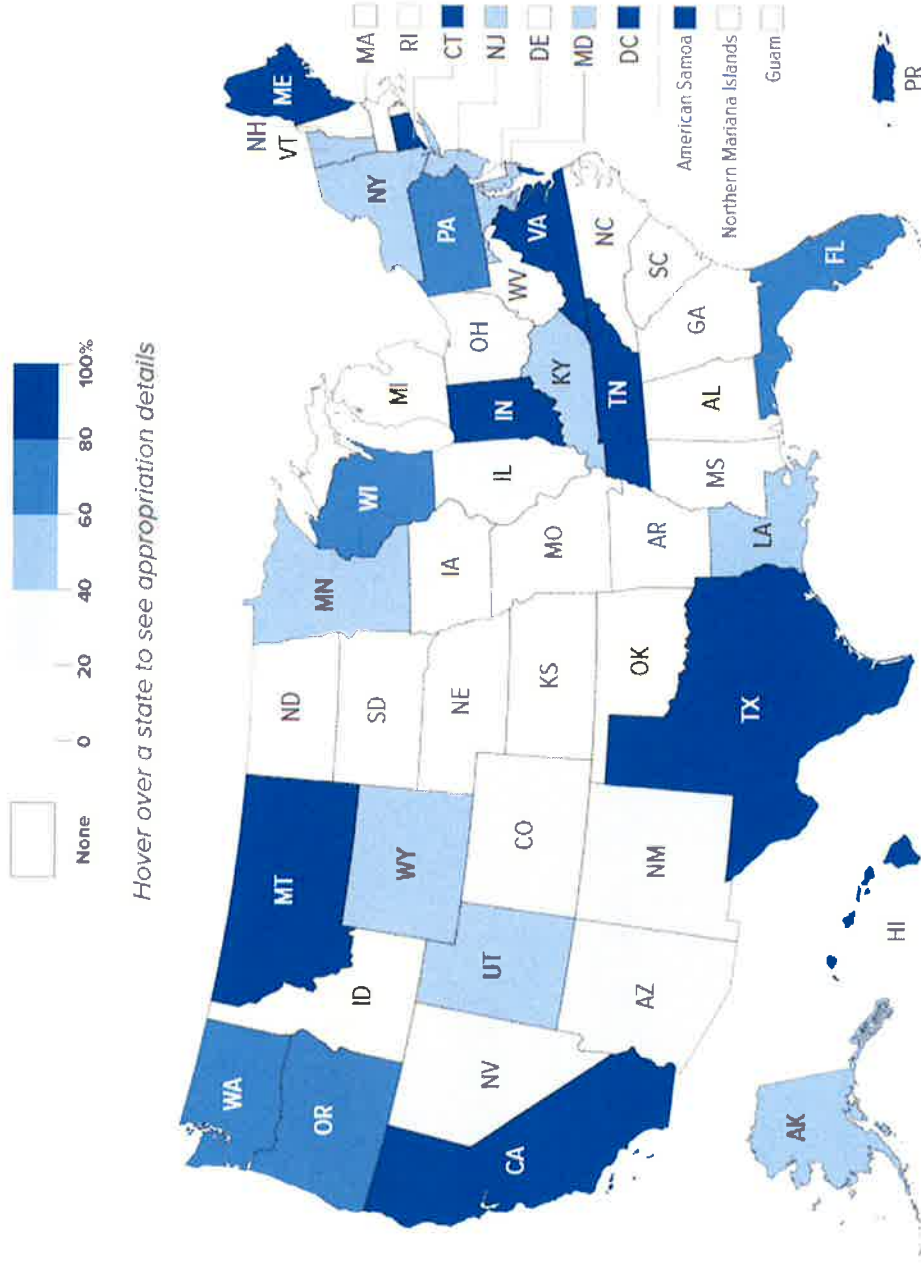
## IDAHO

	TOTAL
TOTAL (MILLIONS)	\$18,570
+ ECONOMIC IMPACT PAYMENTS	\$4,778
+ UNEMPLOYMENT	\$957
+ SMALL BUSINESS SUPPORT	\$4,688
+ PUBLIC HEALTH AID	\$1,924
+ DIRECT AID TO STATES	\$2,923
+ OTHER	\$2,166
+ EDUCATIONAL SUPPORT	\$1,133





## How Other States are Using ARPA State Fiscal Recovery Fund



Note: The American Rescue Plan gave states \$197.8 billion in Fiscal Recovery Funds to combat the effects of the COVID-19 pandemic.

Source: CRDD analytic

# Commerce

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- Workforce Housing: \$50,000,000
- Childcare Expansion Grants: \$50,000,000
- Food Bank Support: \$1,000,000
- Workforce Training: \$50,000,000
- State Health Insurance Reserves: \$25,000,000

# Questions

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Alex J. Adams

DFM Administrator

[Alex.Adams@dfm.idaho.gov](mailto:Alex.Adams@dfm.idaho.gov)





# ARPA - State Fiscal Recovery Gameplan

Agency	Brief Description	Committee	Gov Plan	Legislature Plan
HB 370	Unanticipated COVID-19 Expenses	JFAC	\$ 50,000,000	\$ 50,000,000
<b>Education</b>				
OSBE	Empowering Parents Grants	Education	\$ 50,000,000	
University	University of Idaho remote worker training	Education	\$ 1,270,000	
WDC	Workforce training for in-demand professions	Commerce & HR	\$ 50,000,000	
Public Schools	Teacher Bonuses	Education	\$ 17,760,600	
Public Schools	Career Ladder Acceleration	Education	\$ 36,473,700	
DHW	Head Start	Education/Health	\$ 3,000,000	
<b>Natural Resources</b>				
IDWR	Recharge and Water Storage Projects	Resources	\$ 250,000,000	
DEQ	CDA Lake clean-up & other improvement projects	Resources	\$ 70,000,000	
DEQ	Grants for local drinking and wastewater projects	Resources	\$ 300,000,000	
<b>Health and Human Services</b>				
WDC	Childcare Infrastructure Expansion Grants	Health/Commerce	\$ 49,999,900	
DHW	Home visiting	Health & Welfare	\$ 3,000,000	
Veterans	COVID-19 costs at veterans homes	Transportation	\$ 1,000,000	
<b>Behavioral Health Council</b>				
DHW	Mental Health Crisis Line Conversion	Health & Welfare	\$ 4,400,000	
DHW	Grants for Community Behavioral Health Clinics	Health & Welfare	\$ 12,000,000	
DHW	Continued Recovery Center Support	Health & Welfare	\$ 1,800,000	
<b>Economic Development</b>				
Commerce	Food bank support	Commerce & HR	\$ 1,000,000	
Parks	Outdoor recreation capacity and maintenance	Resources	\$ 45,000,000	
DFM	Workforce housing gap closing support	? Commerce?	\$ 50,000,000	
<b>Public Safety</b>				
IDOC	Improvements to lagoon	Judiciary & Rules	\$ 10,000,000	
IDOC	Offset operating costs of COVID-19	Judiciary & Rules	\$ 1,000,000	
Parole	Extradition transportation due to COVID shutdown	Judiciary & Rules	\$ 100,000	
DVC	Domestic violence bridge funding	Judiciary & Rules	\$ 6,000,000	
<b>General Government</b>				
Admin	State health insurance cost offset to rebuild reserves	Commerce/State	\$ 25,000,000	
Various	IT replacement items across multiple agencies	JFAC	\$ 23,156,000	
SCO	Cybersecurity technology project	JFAC	\$ 950,000	
DFM	Legal and audit support and staffing	JFAC	\$ 5,421,300	
Courts	Miscellaneous Requests	Judiciary & Rules	\$ 19,990,500	
	<b>Total Obligated</b>		\$ 1,088,322,000	\$ 50,000,000
	<b>Unobligated Balance</b>		\$ 5,696,353	\$ 1,044,018,353
	<b>Percent of SFRF Spent By Year</b>		99.5%	4.6%
			\$ 1,094,018,353	\$ 1,094,018,353

Attachment 3A, Alex Adams, February 10, 2022

# ARPA – State Fiscal Recovery Gameplan

Education	
OSBE	Empowering Parents Grants
University	University of Idaho remote worker training
WDC	Workforce training for in-demand professions
Public Schools	Teacher Bonuses
Public Schools	Career Ladder Acceleration
DHW	Head Start

## Education

### Teachers : Public School Support

#### 1. Career Ladder Onetime Funding

*The Governor recommends using \$36,473,700 from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund to provide onetime federal funding to implement the FY 2024 career ladder funding in conjunction with FY 2023.*

*LSO Analyst Note: Changes to the career ladder would require legislative action, which would require a statutory change or appropriation bill language that directs the use of the funds. Otherwise this money would be subject to the conditions and allowable uses of the ARPA State Fiscal Recovery Fund.*

### Office of the State Board of Education : State Board of Education

#### 2. Strong Families, Strong Students II

*The Governor recommends 1.00 FTP and \$25,000,000 onetime from the American Rescue Plan Fund to provide additional Strong Families, Strong Students-Empowering Students Grants to provide students and parents direct support for learning. The grant program will be administered by the Office of the State Board of Education, which will be assisted by a parent advisory committee. Grants would target high-need families and students, granted first to families whose household income is under \$50,000; next, to families whose income is under \$75,000; and finally, to all eligible students independent of household income if any grant moneys remain undistributed. Eligible students would receive \$1,500 and no individual family can receive more than \$3,500. Upon receiving the grant, families would have until November 15, 2024 to expend the grant for eligible expenses. Eligible expenses would include computer hardware, internet access, textbooks, instructional materials, fees for standardized testing, therapies to aid learning, contracted educational programs, supplemental education services, and other services provided by the parent advisory panel. Of this recommendation, \$100,000 is for personnel costs and \$24,900,000 is for trustee and benefit payments. The full-time personnel included in this recommendation would be removed from the budget once the program is completed.*



## Natural Resources

IDWR	Recharge and Water Storage Projects
DEQ	CDA Lake clean-up & other improvement projects
DEQ	Grants for local drinking and wastewater projects

## Natural Resources

### Department of Environmental Quality

#### 1. SFRF - ARPA Contaminated Site Clean Up

*The Governor recommends using \$13,709,600 from the American Rescue Plan Act State Fiscal Recovery Fund for work on contaminated sites, orphaned and abandoned mine sites, solid waste and landfill closure, work at the Triumph Mine, and nutrient reduction projects at Coeur d'Alene Lake. This recommendation includes 3.00 FTP and \$1,276,800 in personnel costs for limited service positions to oversee projects, \$8,432,800 in operating expenditures, and \$4,000,000 in trustee and benefit payments. Of the total, \$294,600 is in personnel costs in the Administration and Support Services Program and the remainder is in the Waste Management and Remediation Program.*

### Department of Environmental Quality

#### 2. SFRF - ARPA Water Infrastructure

*The Governor recommends using \$60,004,800 from the American Rescue Plan Act State Fiscal Recovery Fund for drinking water and wastewater infrastructure projects. This recommendation includes 5.00 FTP and \$539,100 in personnel costs for limited service positions to provide engineering expertise and oversee grants and loans, \$13,500 in operating costs for equipment and travel costs, and \$59,452,200 for trustee and benefit payments to provide grants to local entities. Of the total, \$124,400 is in personnel costs in the Administration and Support Services Program and the remainder is in the Water Quality Program.*

### Department of Parks and Recreation

#### 3. State Fiscal Recovery - ARPA Projects

The agency is working with the Governor's Office to explore potential uses of the American Rescue Plan Act's (ARPA) State Fiscal Recovery Fund (SFRF), however the agency is waiting for updated guidance from the U.S. Department of Treasury.

*The Governor recommends using \$20,000,000 from the American Rescue Plan Act State Fiscal Recovery Fund for investments in deferred maintenance and building out new park facilities. Of the amount recommended, \$10,000,000 is onetime, and \$10,000,000 is ongoing.*

*Analyst Note: Traditionally all appropriations to the Capital Development Program have been onetime, with reappropriation provided for projects that extend for more than one fiscal year.*

### Department of Water Resources

#### 4. State Fiscal Recovery - ARPA Water Projects

The agency is working with the Governor's Office to explore potential uses of the American Rescue Plan Act's (ARPA) State Fiscal Recovery Fund (SFRF), however the agency is waiting for updated guidance from the U.S. Department of Treasury.

*The Governor recommends using \$100,000,000 from the American Rescue Plan Act State Fiscal Recovery Fund for water infrastructure needs across the state. Of the recommended amount, half is ongoing with the expectation that these funds would be available over the next five fiscal years.*

<b>Health and Human Services</b>	
WDC	Childcare Infrastructure Expansion Grants
DHW	Home visiting
Veterans	COVID-19 costs at veterans homes

## **Health and Human Services**

### **Services for the Developmentally Disabled : Department of Health and Welfare**

#### **5. Head Start Funding**

*The Governor recommends \$1,000,000 from the State Fiscal Recovery Fund available through the American Rescue Plan Act (ARPA) for additional funding for the Head Start Program for costs associated with the startup of classrooms to provide services to kids throughout the state. Total project funding will be \$3,000,000 for three fiscal years.*

### **Public Health Services : Department of Health and Welfare**

#### **6. Home Visiting Grants**

*The Governor recommends \$1,000,000 from the State Fiscal Recovery Fund available through the American Rescue Plan Act (ARPA) for additional funding to the Home Visiting Program, which provides services to parents and caregivers to raise children who are physically, socially, and emotionally healthy and ready to learn. Total project funding will be \$3,000,000 over three fiscal years.*

### **Substance Abuse Treatment & Prevention : Department of Health and Welfare**

#### **7. Recovery Center Support**

*The Governor recommends \$600,000 from the State Fiscal Recovery Fund available through the American Rescue Plan Act (ARPA) for additional funding and resources to community recovery centers around the state. Total project funding will be \$1,800,000 over three fiscal years.*

### **Independent Councils : Department of Health and Welfare**

#### **8. DV Council - Victims Services Grants**

The Domestic Violence (DV) Council requests a total of \$6,000,000 onetime from the State Fiscal Recovery Fund (SFRF) available through the American Rescue Plan Act (ARPA); in LSO's Review of ARPA Report this appears as number 1. Of the total amount, \$240,000 is in personnel costs, \$60,000 is in operating expenditures, and \$5,700,000 is in trustee and benefit payments; this distribution follows the normal 5% allocation for the administration of grants. The funds would be distributed to victim service programs throughout Idaho and be used for crime victim assistance for domestic violence survivors and survivors of other crimes. The distribution would be made through onetime grants. The DV Council asserts the programs that typically receive grants are seeing an all-time high in victim needs and demand for services, in some cases three to four times higher than normal, which is attributable to the COVID-19 pandemic. While the demand has increased, federal support has decreased through typical allocations through the Victim of Crime Act (VOCA).

<b>Behavioral Health Council</b>	
DHW	Mental Health Crisis Line Conversion
DHW	Grants for Community Behavioral Health Clinics
DHW	Continued Recovery Center Support

## **Mental Health Services : Department of Health and Welfare**

### **9. Comm. Beh. Health Clinics**

*The Governor recommends \$6,000,000 from the State Fiscal Recovery Fund available through the American Rescue Plan Act (ARPA) for three certified community behavioral health clinics, which are clinics who serve any individual in need of care including people with serious mental illness, serious emotional disturbance, long-term chronic addiction, mild or moderate mental illness, substance use disorders, and complex health profiles.*

### **10. 988 Funding**

#### **Agency Request**

*The Governor recommends \$4,400,000 from the State Fiscal Recovery Fund available through the American Rescue Plan Act (ARPA) for the standing up of 988 in Idaho and mobile response services. 988 is a national crisis line, set to go live in July 2022.*

<b>Economic Development</b>	
Commerce	Food bank support
Parks	Outdoor recreation capacity and maintenance
DFM	Workforce housing gap closing support

## **Economic Development**

### **Department of Commerce**

#### **17. Idaho Food Bank - ARPA**

The agency requests \$1,000,000 onetime from American Rescue Plan State Fiscal Recovery Fund for the Idaho Food Bank. The Legislature previously approved \$3,600,000 in S1199 of 2021 as a supplemental appropriation for FY 2021 with reappropriation authority into FY 2022. The total amount was encumbered by the agency in FY 2021. Due to continuing challenges brought on by the COVID-19 pandemic, the agency believes additional funding will enable the Idaho Food Bank to serve families, seniors, and children that are food insecure in FY 2023.

<b>Public Safety</b>	
IDOC	Improvements to lagoon
IDOC	Offset operating costs of COVID-19
Parole	Extradition transportation due to COVID shutdown
DVC	Domestic violence bridge funding

## **Law and Justice**

### **State Prisons : Department of Correction**

#### **1. Wastewater Lagoons**

The agency requests \$10,000,000 onetime from the State Fiscal Recovery Fund created in the American Rescue Plan Act (ARPA) to upgrade the wastewater lagoons serving the South Boise Complex. The lagoons serve the Idaho Maximum Security Institution (IMSI) and Idaho State Correctional Institution (ISCI). The agency states that the lagoons are at 90% capacity for the current design and would need to be reconstructed if any changes are to be made as the liner used is no longer legal. The project costs are estimated to be \$900,000 for build design, \$1,500,000 for the demolition of the existing lagoons, and \$7,600,000 to construct the new lagoons.

#### **2. COVID Operating Costs**

*The Governor recommends \$500,000 ongoing from the State Fiscal Recovery Fund created in the American Rescue Plan Act for costs of managing state facilities as a result of COVID-19. Funding for this purpose will be available for two years.*

### **Commission of Pardons & Parole: Department of Correction**

#### **3. Extradition Transport**

The agency requests \$50,000 in onetime operating expenditures from the American Rescue Plan Act Fund for extradition transport costs. Idaho parolees that were approved for supervision in other states pursuant to interstate compact, but violate the terms of their supervision, are extradited back to Idaho. The Northwest Shuttle Service extradites parolees from 15 states back to Idaho at no cost to the commission. Those outside of these states are extradited by private prisoner transport companies at the average cost of \$1,800. The agency currently has an ongoing appropriation of \$70,700 from the Miscellaneous Revenue Fund to offset extradition costs. However, in FY 2020 the Northwest Shuttle Service suspended operations due to COVID-19, which has indefinitely increased the commission's share of extradition costs. The agency received \$50,000 in onetime supplemental funding from the Federal COVID-19 Relief Fund to offset the new costs during FY 2021 and a line item for the same amount in FY 2022. The line item requested would offset the new costs in FY 2023.

### **Court Operations : Judicial Branch**

#### **4. COVID-19 Related Expenses - SRF ARPA**

The agency requests 7.00 FTP, and \$19,990,500 onetime from the Coronavirus State Fiscal Recovery Funds of the American Rescue Plan Act (ARPA) of 2021 for COVID-19 related expenses. Of the total amount requested, \$1,614,300 is in personnel costs for salary and benefits; \$16,117,200 is in operating expenditures for travel, professional development, and computer services; and \$2,259,000 is in capital outlay for computer equipment. According to the agency, during the COVID-19 pandemic, Idaho courts were required to adapt to new health safety requirements while preventing court closures and ensuring access to justice. The Court's response to the pandemic resulted in increased reliance on technology, including filing cases online, digital evidence sharing, remote hearings, off-site jury selection, and virtual options for management of court administration. According to the agency, ARPA funding would help offset the negative economic impacts of COVID-19 and would support efficiency and security of remote operations going forward.

<b>General Government</b>	
Admin	State health insurance cost offset to rebuild reserves
Various	IT replacement items across multiple agencies
SCO	Cybersecurity technology project
DFM	Legal and audit support and staffing
Courts	Miscellaneous Requests

## **General Government**

### **Department of Administration**

#### **18. Health Plan Reserve Backfill - ARPA**

The department requests \$15,000,000 onetime from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund to backfill the state health plan reserve for any COVID related expenses and cover expenses for future years.

### **State Controller**

#### **19. Cybersecurity Enhancement - ARPA**

The Office of the State Controller requests \$950,000 in onetime operating expenditures from the State Fiscal Recovery Fund (SFRF) allocated to the state through the American Rescue Plan Act (ARPA) to improve cybersecurity of the state's central systems housed within the office's data center. This effort would provide active monitoring of network response time, internal server response time and software as a service (SaaS) response time to establish baseline activity levels and allow the State Controller to quickly diagnose any anomalies indicating a cyber attack.

### **Division of Financial Management : Office of the Governor**

#### **20. SFRF Audit & Compliance - ARPA**

**Analyst: Hibbard**

The agency requests \$5,000,000 in operating expenditures to contract with an outside firm to assist in the required sub-recipient compliance requirements and any annual internal or external auditing costs for the administration of the State and Local Fiscal Recovery Fund. The estimate of \$5,000,000 was based on the appropriation for the audit and compliance costs associated with the CARES Act Coronavirus Fiscal Recovery Fund. The funding provided through the American Rescue Plan Act (ARPA) has additional use of evidence requirements and a longer time frame than the CARES Act. The agency requests this sum be appropriated in its entirety in FY 2023, with the expectation that they would later be provided legislative reappropriation for any unencumbered or unexpended portion of these funds as necessary through 2027. Reappropriation requires legislative approval.

#### **21. Workforce Housing - ARPA**

The agency is working with the Governor's Office to explore potential uses of the American Rescue Plan Act's (ARPA) State Fiscal Recovery Fund. However, the agency is waiting for updated guidance from the U.S. Department of Treasury.

### **Workforce Development Council : Office of the Governor**

#### **22. Workforce Training - ARPA SRF**

*The Governor recommends 2.00 FTP and \$25,000,000 ongoing from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund to provide workforce training and apprenticeships. This recommendation is ongoing for the duration of the available ARPA funding. Funding will be directed through*

*Idaho Launch and other programs to provide access for individuals impacted by the pandemic to training aligned to employer needs. This recommendation will also support grants to training providers for curriculum development, simulators, equipment, and other reasonable necessities to carry out training and expand capacity to meet increased demand.*

### **23. Childcare Infrastructure Grants - SRF ARPA**

*The Governor recommends 2.00 FTP and \$25,000,000 ongoing from the American Rescue Plan Act (ARPA) State Fiscal Recovery Fund to provide childcare infrastructure grants. This recommendation is ongoing for the duration of the available ARPA funding. Child Care Expansion Grants will be targeted to business owners willing to build new childcare facilities or expand existing facilities to increase the number of childcare slots available to working families. The grants will also provide relief for childcare providers and provide support to make childcare more affordable.*



# WORKFORCE HOUSING COALITION

## Supported By:

- Association of Idaho Cities
- Ball Ventures, LLC
- Boise Valley Economic Partnership
- BVA, Inc.
- CdA EDC
- Idaho Associated General Contractors
- Idaho Association of Counties
- Idaho Bankers Association
- Idaho Building Contractors Association
- Idaho Chamber Alliance
- Idaho Education Association
- Idaho Housing and Finance Association
- Idaho Land Title Association
- Idaho Power
- Idaho REALTORS®
- Idaho School Boards Association
- J.R. Simplot Company
- New Beginnings Housing, LLC
- Northwest Credit Union Association
- Northwest Real Estate Capital Corp.
- Tamarack Resort
- The Pacific Companies
- Whitewater Creek, Inc.

## GAP FINANCING FOR WORKFORCE HOUSING

### What?

- A gap financing program using ARPA dollars that can be combined with private and other resources to produce workforce housing.
- Funding can be used to build workforce housing developments or renovate and repurpose existing buildings for housing.
- Financing may include loans, grants, and/or equity investments. Such financing may be subordinated to private funding, as needed.
- Workforce housing funded with ARPA dollars must be completed by December 31, 2026.

### How?

- Through the appointment of a Workforce Housing Advisory Commission comprised of three (3) House members, (3) Senate members, and (3) gubernatorial appointments.
- The Commission will create a statewide plan, determine regions of Idaho most in need, set forth the rules for prioritizing and disbursing the funds and determine which workforce housing projects are undertaken.

### Who?

- Applicants: Private and nonprofit developers who demonstrate the capacity to design and build compliant workforce housing projects.
  - Preference will be given to applicants who have also secured a source of local funding – including any ARPA dollars directly provided to the city or county.

### Where?

- Program Administrator: Idaho Housing & Finance Association
- Access to workforce housing has become a statewide challenge impacting urban, rural, and resort communities alike. The Program Administrator may establish funding set-asides to ensure that all areas of the state are assisted with funding from this gap financing program.

### Why?

- Economic feasibility is one of the biggest challenges facing developers interested in building workforce housing. The State of Idaho currently does not offer a state-sponsored program to assist with this.
- Today, workforce housing projects are financed with a combination of private financing and federal tax credits. Through these two avenues alone, there exists a significant funding gap that makes moving forward with these projects incredibly difficult.
- IHFA has more resources to offer in this area, but with the gap in financing that exists, it cannot fully leverage those resources to build more housing.

### How much?

- The governor has recommended \$50 million of ARPA funds. It is estimated that this program could create 1,000 workforce housing units across the state.



**AMENDED AGENDA #1**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, February 15, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
<b>PRESENTATION:</b>	Idaho Workforce Development Council	Wendi Secrist, Executive Director, Idaho Workforce Development Council
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Reappointment of Margaret Henbest to the Idaho Health Insurance Exchange Board	Senator Patrick
<a href="#"><u>S 1282</u></a>	OCCUPATIONAL LICENSING - Repeals and amends existing law to remove licensing provisions regarding abstracters of title	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>S 1294</u></a>	Relating to Employee Contracts	Senator Ward-Engelking
<a href="#"><u>S 1299</u></a>	Relating to Architect Mutual Recognition	Senator Riggs

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Tuesday, February 15, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** Chairman Patrick and Vice Chairman Souza

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Acting Chairman Guthrie** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:35 p.m.

**PRESENTATION:** **Idaho Workforce Development Council (IWDC). Wendi Secrist**, Executive Director, IWDC, gave a PowerPoint presentation about the IWDC (Attachment 1). She outlined the mission and vision of the IWDC. She noted that since 2016 the Idaho Workforce Development Training Fund (IWDTF) had trained 12,038 Idahoans and served 9,633 employers. **Ms. Secrist** reported on the Idaho Launch Program (Attachment 1). The focus was on high school students. She noted there were another 38 openings for apprentices with many success stories. **Ms. Secrist** indicated these programs were designed to support one-time needs of the American Rescue Plan Act (ARPA) Funds.

**DISCUSSION:** **Senator Burgoyne** queried about the status of funding for childcare workers. **Ms. Secrist** responded one of the reasons was for funding to come through the IWDC. Employers would be engaged to potentially apply for funding which would provide a more stable business model to help raise wages.

**GUBERNATORIAL APPOINTMENT VOTE:** **Committee Vote on the Gubernatorial Reappointment of Margaret Henbest to the Idaho Health Insurance Exchange Board (IHIEB). Acting Chairman Guthrie** asked if there were any objections to confirming Ms. Henbest to the IHIEB. There were none.

**MOTION:** **Senator Burgoyne** moved to send the gubernatorial reappointment of Margaret Henbest to the IHIEB to the floor with the recommendation she be confirmed. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**S 1282** **OCCUPATIONAL LICENSING - Repeals and amends existing law to remove licensing provisions regarding abstracters of title.** **Tim Frost**, Deputy Administrator, Idaho Division of Occupational and Professional Licenses (IDOPL), reported this bill sought to eliminate inactive provisions of law. This legislation repealed an outdated section of Idaho Code § 54, Chapter 1, Abstracters of Title. The statute chapter had not been updated since 1963 and no longer used.

**Mr. Frost** stated this legislation had no impact on the State's General Fund, any dedicated or federal fund, because the abstractors of title provisions in law were defunct.

**DISCUSSION:** In answer to a question by **Senator Agenbroad** about industry involvement with this bill, **Mr. Frost** stated all stakeholders had no opposition. However, a correlated reference was added into the bill.

**MOTION:** **Senator Martin** moved to send **S 1282** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**S 1294** **Relating to Employee Contracts.** **Senator Ward-Engelking** noted this legislation should be held for further revisions. She stated this legislation added to Idaho Code § 44-906 legislation that prohibited an employer that chose to offer earned sick leave to its employees to count earned or accrued sick leave, taken in accordance with the employer's written policy as an absence that resulted in discipline or any other adverse action. **Senator Ward-Engelking** said this bill did not mandate and only applied to those employers who offered sick leave to employees. Some workers were being terminated or disciplined who utilized sick leave, even when using sick leave in accordance with employer policies.

**MOTION:** **Senator Ward-Engelking** moved to hold **S 1294** in Committee at the call of the Chair. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**S 1299** **Relating to Architect Mutual Recognition.** **Senator Riggs** reported this legislation allowed for the Idaho Board of Architect Examiners (IBOAE), under the Idaho Division of Occupational and Professional Licenses (IDOPL), to enter into a mutual recognition agreement with another state, territory, jurisdiction, or country. He reported the legislation allowed the State of Idaho to enter into a mutual licensure recognition agreement with Canada and have mutual recognition of both Idaho architect licensees working in Canada, and Canada architect licensees working in Idaho.

**Senator Riggs** stated the legislation had no impact on the State's General Fund or federal funds. Entering into a mutual recognition agreement with another state or country was expected to be revenue neutral for the IDOPL dedicated fund based on the experience of similar agreements of other Idaho professional licensing boards, while saving individual licensees both time and fees.

**DISCUSSION:** **Senator Lakey** and **Senator Riggs** discussed the agreement between the IBOAE and another state, territory, or country. **Senator Lakey** remarked this agreement sounded positive.

**TESTIMONY:** **Benn Brocksome**, American Institute of Architects (AIA-Idaho), testified in support of the bill. He noted the reciprocity agreement was supported by AIA-Idaho.

**MOTION:** **Senator Burgoyne** moved to send **S 1299** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Acting Chairman Guthrie** adjourned the meeting at 2:03 p.m.

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Senator Guthrie  
Acting Chairman

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Linda Kambeitz  
Secretary



1



2





**IDAHO BUSINESS  
for EDUCATION**

"We focused on entry level technician jobs for the youth apprenticeship program in automotive, and that's been great. As soon as we started doing it, we had nine applicants come in the day we got approved." –Teton Toyota



**Goal: 400 Youth Apprentices by 2024**

Total Participants (Registered Apprentices)

- Served 42

Total Businesses

- Engaged 39
- Enrolled 22

## Youth Apprenticeship Grant

This project is wholly funded by a grant from the U.S. Department of Labor in the amount of \$2,490,630.

3

IDAHO  
**LAUNCH**

[idaholaunch.com](http://idaholaunch.com)



Match your skills to employer needs and apply for training funds available to every Idahoan.

IDAHO  
**LAUNCH**

*"I never thought I would be a truck driver, but the launch program paid for 90% of my schooling at Sage trucking. I just completed my classes for my CDL Class A with Tanker/double triple endorsement, plus received a great job offer with a local company making over \$65,000.00 a year. All this in less than 3 months."*

—Idaho Launch Participant

**The Numbers:**

Participants (1/6/22): 949

Site Visits (1/20/21): 30,898

Average benefit use (1/6/22): \$3,000

Total obligated (1/6/22): \$2,845,670

Employers Served: 684

4



*"The hottest city in the nation right now when it comes to explosive growth in new job listings may come as a surprise, but not to anyone who's been tracking how COVID-19 has impacted the geography of work.*

*A new report from job site Indeed.com found employment postings for the Boise, Idaho metropolitan area earlier this month were nearly double the volume of Feb. 2020." – Deseret News, January 19, 2022*

## Leading Idaho

### Workforce Training Investments

<https://www.deseret.com/2022/1/19/22891674/boise-has-job-markets-hiring-during-omicron-surge-salt-lake-city-job-listings>

5



	Chapter	Learning Outcomes	Estimated Time to Implement
Get Organized	TPM Orientation	Assess if TPM is a good fit and introduce the approach to your community	6 months
	Strategy 1: Organize Employer Collaboratives	Organize employers to address a skills gap for critical jobs	
Do Your Homework	Strategy 2: Engage in Demand Planning	Project the number of jobs needed across companies	3 months
	Strategy 3: Communicate Competency and Credential Requirements	Create a shared language for communicating hiring requirements	
	Strategy 4: Analyze Talent Flows	Identify current and future sources of talent	
Implement Solutions and Improve	Strategy 5: Build Talent Supply Chains	Manage performance for employer partners and designate preferred providers of talent	3 months
	Strategy 6: Continuous Improvement	Engage in continuous improvement	

## Leading Idaho

### Workforce Training Investments

6





Since the pandemic, labor force participation rates in Idaho have decreased and one of the major factors is lack of child care options.

#### Idaho Child Care Gap Findings

Potential Need	74,670 children
Supply	55,850 seats
Gap	18,820 children
Percent Gap	28% of children
Economic Impact (long term loss)	\$0.7 to \$1.1 Billion

### Child Care Expansion Grants

<https://childcaregap.org/assets/onePagers/Idaho.pdf>

7



Increase the economic mobility of Idahoans through education and training that leads to wage gains and retention.

8

## Leading Idaho - Workforce Training Investments

### **Idaho Launch ([www.idaholaunch.com](http://www.idaholaunch.com)) – \$24,159,000**

Short-term training for any Idahoan who was impacted by COVID-19 or any Idahoan who wants to train for occupations in industries impacted by COVID-19. Examples include, but are not limited to, Healthcare, Hospitality, Retail, Construction, and Transportation.

- \$3m set-aside for apprenticeship training in the trades (i.e. electrical, pipefitting, etc.)
- Training will be prioritized to in-demand occupations.
- Existing Launch policy requires a contribution of 10-25% from the individual. This can be waived using ARPA funds, if desired.
- The Council may need to adapt the policy governing Launch to include “for-credit” opportunities for certain occupations.

### **Simulators and Mobile Training Equipment – \$3,000,000**

- Grants to cover acquisition costs of simulators and mobile training equipment for colleges and industry associations. Organizations will need to develop plans to utilize equipment for both training and industry recruitment. They will be required to present a sustainability plan to maintain/upgrade equipment beyond the grant period.

### **Retail Management Certification – Course Development – \$100,000**

- Fund the development of an online, 3-credit course to complete the requirements for Idaho Community Colleges to offer the Retail Management Certificate under the direction of the Western Association of Food Chains, Albertsons, Broulim's, Costco, Food4Less, Fred Meyer, Ridleys, Rosauers, Whole Foods, and Winco are members of the industry organization.

### **Talent Pipeline Management (TPM) – Regional Coordinators – \$1,800,000**

- \$1.8m to fund one TPM Coordinator in each of 6 regions to facilitate efforts to align industry/employer needs to specific training that is offered through Launch and/or other grants. The TPM Coordinator would be employed by a regional organization (ex. College, Chamber, Economic Development) who would receive a grant for \$150,000 per year for 2 years.

### **Talent Pipeline Management Implementation Funds – \$20,000,000**

- Supplements the Workforce Development Training Fund to implement projects coming through the TPM process.

### **Next Steps Investments – \$500,000**

- \$500,000 to integrate resume development, job interview practice, and connections to work-based learning into the Next Steps Idaho website.

### **Staff – \$441,000 (over the 3 year period)**

- Two FTEs for the Workforce Development Council to assist with the distribution, fiscal management, and performance tracking of the funds. Positions will be eliminated once ARPA funds are distributed.

**Total Investment = \$50,000,000 invested by December 2026**

*(final allocations will be approved by Council)*

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## What is Idaho Launch?

Idaho Launch started in November of 2020 and was bolstered by \$1,000,000 in CARES Act funds.

Idaho Launch is the **pathway for all Idahoans**, seeking to work in Idaho, to **receive financial support** through the Workforce Development Training Fund (WDTF) for **short-term training programs** that will allow them to attain in demand, **employer requested skillsets**.

## Large Scale Employer Surveys Drive Launch Offerings

In summer of 2020 Idaho Workforce Development Council ran an **employer survey**. We got back **845 responses** across all industries. This allowed us to **identify skills** that the employers will find important for hiring in the near future. **We matched those skills to training**, and our Policy committee approved courses for Launch to meet the need.

We are in the process of **updating this survey**. We will once again ask employers about skills and will also ask them to **evaluate** the value of the **current offerings** in Idaho Launch.

### The Basics:

#### Participants must be:

- Idaho Residents
- Use the benefit to work in Idaho

#### The Benefit Covers

- 75-90% of approved costs

#### Some important details:

- \$7,500 max benefit
- Once in a lifetime benefit
- A contract can include multiple courses

### The Numbers:

Participants (2/1/22): 1,037

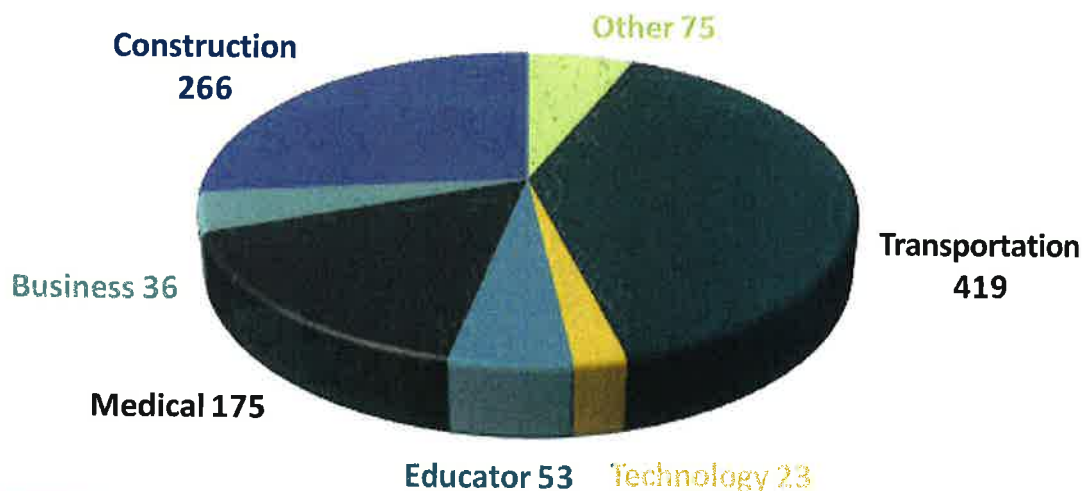
Site Visits (1/20/21): 30,898

Average benefit use (2/1/22): \$3,000

Total obligated (2/1/22): \$3,154,751

Employers Served (12/31/21): 684

## COURSE TYPES BY INDUSTRY



## Child Care Expansion Grants

### Need:

Child care is one of the most critical work supports for parents to successfully participate in the labor market. Since the pandemic, labor force participation rates in Idaho have decreased and one of the major factors is lack of child care options. According to Idaho's most recent Child Care Gap Assessment 74,670 children have the potential need for child care, and there are only 55,850 child care slots (the full report can be found here: <https://childcaregap.org/assets/onePagers/Idaho.pdf>).

Child care needs exist throughout the State and long wait lists exist at most high-quality child care centers. According to the study, the top five counties with the largest gap between the number of children who potentially need care but whose families cannot reasonably access formal care are Canyon, Ada, Bonneville, Twin Falls, and Bingham.

With a gap of nearly 20,000 child care seats in Idaho, there is a significant need to invest in Child Care Expansion Grants so that Idaho can continue to get back to work. This funding, administered by the Workforce Development Council, will increase the number of child care seats available to working families by targeting employers and/or child care providers willing to build new on-site or near-site child care facilities or expand existing facilities.

### Program Highlights: An increase of over 3,000 child care seats statewide, by the end of 2024.

- Through a \$50m grant program (utilizing ARPA funding), these funds will provide infrastructure or operating grants for start-up or expansion of child care where there is a significant gap between the number of child care slots available and the number of children needing care.
- Idaho's child care capacity is **expanded** supporting families to return to work or their ability to receive training that will assist them in returning to work.
- Coordinated licensure process for grantees.

Idaho Department of Health & Welfare Programs		Idaho Workforce Development Council Program
Investments that Support Children and Working Families	Investments that Stabilize Child Care Provider Business Owners	Investments that Expand High-Quality Child Care Capacity
<ul style="list-style-type: none"> <li>• Expanded eligibility criteria and lowered copay for families needing child care</li> <li>• Expanded mental health support and developmental screening for kids</li> </ul>	<ul style="list-style-type: none"> <li>• Child care provider support grants for existing operations.</li> <li>• Expanded support to after-school programs</li> <li>• Wage enhancement per worker</li> <li>• Expanded training and education for employees</li> </ul>	<ul style="list-style-type: none"> <li>• Grants to offset start-up costs for employers providing on-site/near-site child care</li> <li>• Grants to child care providers who are working with employer partners to expand number of children served</li> <li>• Support with recruiting and training staff</li> </ul>

*Note: There is a separate budget recommendation for the Idaho Department of Health & Welfare to **sustain** the current daycare facility operations.*

**Who Can Apply:****Meeting employer's needs today and tomorrow**

- Employers and/or child care providers that are seeking to add or expand capacity in Idaho.

**Grant Parameters:**

- Applicants will complete and submit a business plan as part of the application process. Family/Group and Child Care Centers are eligible for the grants, when partnering with local employers and complying with local and state licensing requirements. Business plan guides can be found here: <https://wdc.idaho.gov/child-care-guides/>
- Applicants will be eligible for up to \$15,000 per seat in their start-up or expansion plan. A commitment to the number of slots, a sustainability plan, and a plan for ensuring they meet child care licensing requirements must be provided.
- A minimum of \$15,000,000 will be set-aside in the first year for providers with less than 15 seats.
- Preference will be given to entities that will focus on evidence-based programming and services and have parent engagement activities.
- A grant review committee including Workforce Development Council members and experts from IDHW would consider, at a minimum:
  - Private investment – match at least 50% of grant funds
  - Sustainability

**Scenarios**

**Idaho Forest Group.** Headquartered in Coeur d'Alene and several mill sites across the state, Idaho Forest Group is committed to their employees and has been looking into child care support options. Currently, IFG is working with local child care providers in two communities, exploring ways to help them increase capacity such as additional employees and site expansion. They are hopeful a model can be developed to replicate in other locations.

**Kaniksu Health.** As one of the larger employers in Bonner County, Kaniksu Health recognizes the importance of providing child care to recruit and retain employees. Following the closing of the community's largest child care center, Kaniksu is working to develop a child care center for their employees.

**Homedale School District.** This past year, the Homedale School District purchased a building to serve as a child care center for district employees and the community. Funding for capital improvement is needed to refurbish the building to create an environment suitable to serve children in a healthy and safe environment.

**Twin Falls.** In partnership with CLIF Bar, the United Way of South Central Idaho wants to refurbish and expand a newly acquired facility to expand child care options for the regional business community. Funding for refurbishing and expansion is needed for the building to best serve working families.

**Bonneville County.** As one of the largest employers in Southeast Idaho, Idaho National Lab is exploring the feasibility of partnerships with local childcare facilities within the Idaho Falls community. INL is looking at several possible partnerships, one with Club Apple. Club Apple has land adjacent to their current facility and will start construction of a new daycare center in the spring of 2022. Within the parameters of this partnership, a certain number of spots will be held for INL employees and their children.

# IDAHO LAUNCH

Where your skills meet their match.

Attachment 1, February 15, 2022 - Wendi Secrist

## Research Your Reset

Here, you can match your current skills to what employers across the state need and apply for training funds to build your skills. You may also discover hidden opportunities as you search hiring trends by region, research training opportunities, and connect with a career planner through the online application for training funds.

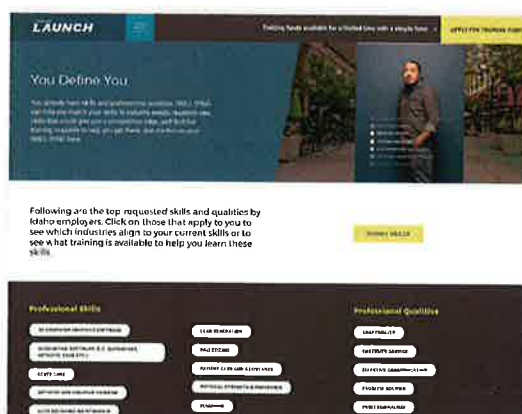


### Behind the Scenes

We asked Idaho employers from every region of the state to complete a detailed survey to identify the most relevant skills that would help applicants to be successful in their industries. Then, we interviewed training providers to match the current course offerings to in-demand skills. And we have partnered with the Idaho Department of Labor and their career planners to provide help for job seekers looking to find a quick path to the training they need, at a price they can afford.



Visit [IdahoLAUNCH.com](https://IdahoLAUNCH.com)



**MATCH YOUR SKILLS** with employer needs and discover industries you may not have considered with **SKILL SYNC**.

**RESEARCH OPPORTUNITIES** by region, industry, skillset or training opportunity.

**ACCESS TRAINING FUNDS** to help pay for training, available to all Idahoans.



## Investigue su Reinicio

Idaho LAUNCH es un compromiso estatal para ayudar a los habitantes de TODO Idaho, en su solicitud individual de empleo. A través de una encuesta estatal de empleadores de Idaho, identificamos las habilidades en demanda y las conectamos con oportunidades de capacitación. Y a través del sitio, puede acceder a fondos estatales para pagar su capacitación.



### Entre bastidores

Le hemos pedido a los empleadores de Idaho de todas las regiones del estado que completaran una encuesta detallada para identificar las habilidades a corto plazo más relevantes que ayudarían a los solicitantes a tener éxito en sus industrias. Luego, entrevistamos a los proveedores de capacitación para hacer coincidir la oferta actual de cursos con las habilidades en demanda. Y nos hemos asociado con el Departamento de Trabajo de Idaho para brindar capacitación y asesoramiento profesional para ayudar a los individuos que están solicitando empleo a encontrar un camino rápido hacia la capacitación que necesitan a un costo razonable que puedan pagar.



**Visite [IdahoLAUNCH.com](http://IdahoLAUNCH.com) para conectarse con un Consejero Profesional de habla hispana disponible para ayudarlo a acceder a sus habilidades y solicitar fondos para capacitación.**



**CONCUERDA SUS HABILIDADES** con las necesidades del empleador y descubre industrias que quizás no haya considerado con SKILL SYNC.

**INVESTIGUE SU REINICIO POR REGIÓN**, industria, conjunto de habilidades u oportunidad de capacitación.

**ACCEDA A FONDOS DE CAPACITACIÓN** para ayudar a pagar la capacitación, disponibles para todos los habitantes de Idaho.

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, February 17, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
<b>PRESENTATION:</b>	Honoring of Page - Haydon Madison	Senator Patrick
<b>GUBERNATORIAL APPOINTMENT:</b>	Committee Consideration of the Gubernatorial Appointment of Lori Wolff, Administrator, to the Idaho Division of Human Resources	Lori Wolff, Administrator, Idaho Division of Human Resources
<a href="#"><u>S 1298</u></a>	CONSUMER PROTECTION ACT - Adds to existing law to provide certain protections regarding automatic subscription renewals.	Senator Vick
<a href="#"><u>S 1296</u></a>	OCCUPATIONAL LICENSING - Amends existing law to replace references to the Bureau of Occupational Licenses with the Division of Occupational and Professional Licenses.	Tim Frost, Deputy Administrator, Idaho Division of Occupational and Professional Licenses
<a href="#"><u>S 1297</u></a>	OCCUPATIONAL LICENSES - Adds to existing law to provide for the confidentiality of investigation records.	Tim Frost
<a href="#"><u>S 1295</u></a>	CREDIT UNIONS - Amends, repeals, and adds to existing law to revise provisions regarding the corporate powers and organization of credit unions.	Ryan Fitzgerald, NW Credit Union

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick	Sen Agenbroad
Vice Chairman Souza	Sen Riggs
Sen Martin	Sen Ward-Engelking
Sen Lakey	Sen Burgoyne
Sen Guthrie	

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Thursday, February 17, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**HONORING OF PAGE:** **Chairman Patrick** honored Page Haydon Madison. He asked Mr. Madison to tell the Committee about his experience at the Senate. **Mr. Madison** stated it was an honor to be at the Senate. He talked about his future plans with the hopes of attending college and passing his mortgage broker's test.

**DISCUSSION:** In response to a question posed by **Senator Lakey** about his experience at the Senate, **Mr. Madison** said making connections and having relationships with his co-workers was important. He noted this was modeled by the Senators. **Senator Lakey** praised Mr. Madison for his statement of making connections in his life which, he said, was a testament to him.

**Senator Riggs** asked what were the best and worst parts of being a page. **Mr. Madison** stated the best part was his relationship with his peers. He noted it was hard to choose the worst part, except for the lack of creativity of some of the Senator's jokes.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Lori Wolff, Administrator, to the Idaho Division of Human Resources (IDHR)**, of Meridian, Idaho, term commencing June 7, 2021 and serving at the pleasure of the Governor. **Ms. Wolff** gave a brief overview of her background. She noted she has a passion for people. She has worked with other directors to learn about and appreciate some of the challenges they face. She said she was excited to work with staff in helping to solve problems.

**DISCUSSION:** In response to questions posed by **Senators Agenbroad** and **Burgoyne**, **Ms. Wolff** indicated her first priority was the LUMA (to shine a light) project. The purpose of the LUMA project was to acquire and implement an Enterprise Resource Planning (ERP) system that all state agencies could utilize for statewide unification in budget planning, financial management, procurement, payroll, and human capital management. **Ms. Wolff** said agencies and operations needed to be supported. She remarked she was uniquely prepared because she was on the operation side with challenges being in personnel. Not making a decision was a detriment that created a liability. **Ms. Wolff** noted if she was not helping managers do their job, she was not doing hers.

**Senator Burgoyne** and **Ms. Wolff** discussed resolving problems before they went to litigation. She stated litigation could be prevented if there was more

consistency in how personnel policies were applied. Documenting incidents was important.

**Chairman Patrick** announced the gubernatorial appointment vote would take place at the next meeting.

**S 1298**

**CONSUMER PROTECTION ACT - Adds to existing law to provide certain protections regarding automatic subscription renewals.** **Senator Vick** noted this legislation amended the Idaho Consumer Protection Act (ICPA) by adding a new section to provide consumer's protection from unfair or deceptive trade practices with respect to cancellation of subscriptions. Often referred to as "click to cancel," this legislation provided that the consumer must be able to cancel a subscription in the same manner as the consumer used to subscribe. He related a personal incident that prompted him to bring this legislation forward.

**Senator Vick** indicated there was no fiscal impact to the General Fund. The Attorney General's office was charged with the enforcement of the ICPA, and there was no expectation of a fiscal impact. He noted he wanted to make a correction in Idaho Code § 48-603G(4) of the bill and to send it to the 14th order for possible amendment.

**TESTIMONY:**

**Representative Erhardt**, testified in opposition to the bill. She expressed that a gym membership was listed as one of the entities in the bill and she would like that wording removed. She explained the machinations of running a gym. She stated, in many cases, membership was in the form of a contract and not a subscription. She asked the bill be sent to the 14th Order for possible amendment.

**DISCUSSION:**

**Vice Chair Souza** asked for clarification on how difficult it would be to cancel a gym membership. **Representative Erhardt** said gyms have a cancellation policy. Documentation was required when trying to notify people when they quit paying. She remarked the wording in this bill would restrict the ability to run a gym. She asked for more time to modify this part of the bill with Senator Vick.

**Senator Vick** explained the background on gym memberships and the complaints received about cancellations. He noted he did not want to make life difficult for businesses. He again asked the Committee to send the bill to the 14th Order for possible amendment.

**Senator Riggs** stated his concern about cancellation of subscriptions that were out-of-state, such as the Wall Street Journal, and how this bill would apply. **Senator Vick** explained that would be something the ICPA could pursue.

**MOTION:**

**Vice Chair Souza** moved to send **S 1298** to the 14th Order of business for possible amendment. **Senator Ward-Engelking** seconded the motion.

**DISCUSSION:**

**Senator Burgoyne** asked about the proposed amendment. **Senator Vick** explained the change on page 2 would make it clear that the notification only applied to online subscriptions. **Senator Burgoyne** commented he was in support of this legislation.

**VOICE VOTE:**

The motion to send **S 1298** to the 14th Order of business for possible amendment carried by **voice vote**.



**S 1296**

**OCCUPATIONAL LICENSING - Amends existing law to replace references to the Bureau of Occupational Licenses (IBOL) with the Division of Occupational and Professional Licenses (IDOPL).** **Tim Frost**, Deputy Administrator, IDOPL, reported the proposed legislation would continue the reorganization of the IDOPL. The proposal aligned the reference terms of the former IBOL into the IDOPL. In addition, the proposal aligned the reference terms of the bureau chief of the IBOL to be the administrator of the IDOPL.

**Mr. Frost** pointed out there was no impact to the General Fund or to the IDOPL dedicated fund. This proposal aligned Idaho Code references for the interpretation purposes of the IDOPL administrator.

**MOTION:**

**Senator Riggs** moved to send **S 1296** to the floor with a **do pass** recommendation. **Vice Chair Souza** seconded the motion. The motion carried by **voice vote**.

**S 1297**

**OCCUPATIONAL LICENSES - Adds to existing law to provide for the confidentiality of investigation records.** **Tim Frost**, reported this bill allowed for the IDOPL boards or commissions and division staff to share investigatory information regarding licensees with other boards and commissions to create efficiency within division investigations. The bill ensured all complaints, investigations, and informal proceeding records were exempt from disclosure under the Public Records Act (PRA).

**Mr. Frost** indicated there was no impact to the State's General Fund, any dedicated fund, or federal funds. The amount of licensing investigations or the associated costs would not be increased. There was no impact to the IDOPL dedicated fund. He stated the bill simplified the administrative burden of duplicative investigative work and could lead to faster investigations and processing of licensing complaints.

**DISCUSSION:**

A discussion ensued between **Senator Burgoyne** and **Mr. Frost** about licensees requesting records, whether there was a right of discovery, and that this bill did not change the current interpretation of the PRA.

**Senator Guthrie** noted if a defendant appeared before the IDOPL Board, they should have all of the information about the complaint. **Mr. Frost** stated the intent of the bill was not to change how current statute was interpreted.

**Vice Chair Souza** remarked this was an opportunity to add some language that all information be available to the licensee.

**Senator Burgoyne** stated he would get an opinion from the Attorney General.

**MOTION:**

**Senator Riggs** moved to hold **S 1297** at the Call of the Chair. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**S 1295**

**CREDIT UNIONS - Amends, repeals, and adds to existing law to revise provisions regarding the corporate powers and organization of credit unions.** **Ryan Fitzgerald**, NW Credit Union, stated the bill would update and modernize provisions within the Idaho Credit Union Act (ICUA) and provided flexibility and modern provisions to allow Idaho state-chartered credit unions to better serve their members. He outlined the proposed updates to the ICUA. Some of those updates included: providing additional flexibility to establish new branches and use of technology facilities; provide credit unions a legal understanding and framework of potential regulatory findings during an examination; allow credit unions to hold virtual or remote board and annual meetings; update member expulsion; provide updates to the credit union corporate powers statute that allowed flexibility in the financial service product

offerings for credit union members; reduce outdated language; and streamline the process by which credit union bylaws were adopted and approved.

**Mr. Fitzgerald** stated there was no fiscal impact to the General Fund. The provisions of the legislation related to the operations of state-chartered credit unions and no additional resources were required by the Idaho Department of Finance (IDOF).

**Mr. Fitzgerald** indicated remote or virtual technologies were used to successfully highlight the ability to provide effective interaction and participation with members. Additionally, he pointed out, the language in the bill ensured assistance from the credit union, or a live option, for those who wished to participate in these meetings, but did not have the proper technology or means to do so.

**Mr. Fitzgerald** stated the branching capabilities were updated in order to make it more streamlined and simpler to establish a new credit union branch. Currently, all credit unions have to request permission from the Director of the IDOF as well as provide significant documentation if the business wanted to build or open an additional facility to serve their members. He noted by making this change, well-run, capitalized credit unions would be allowed to establish a new branch and provide notification to the IDOF.

**DISCUSSION:**

In response to questions from the Committee relating to changes, **Mr. Fitzgerald** indicated there were few changes with the exception of electronic services, operating tax preparation, and providing services in an underserved area for those who were not members.

**Senator Agenbroad** and **Mr. Fitzgerald** discussed the compromises reached between the credit unions and the banks.

In response to a question posed by **Vice Chair Souza** relating to a CAMELS (based on an evaluation of five critical elements of a credit union's operation) rating system, **Mr. Fitzgerald** explained it was a confidential score assigned to a credit union or bank after an inspection. This score showed if the bank or credit union was well-functioning and operating properly. **Vice Chair Souza** asked for an explanation if there were some sort of Environmental, Social, and Governance (ESG) scores being formulated for customers. **Mr. Fitzgerald** explained there were specific laws that the credit unions and banks could not discriminate against customers and that ESG was not something that was being done. All customers and credit unions had to address were credit scores.

**TESTIMONY:**

**Jon Watts**, Idaho Central Credit Union, testified in support of the bill. He pointed out there was a letter of support available for the Committee to read.

**Nicholas Fugal**, Chief Financial Officer, Clarity Credit Union, testified in support of the bill. He noted he was also the Co-Chair of the Northwest Credit Union Association (NWCUA)'s Idaho Government Affairs Committee (IGAFC). He noted the IGAFC had provided guidance and approval of the collective efforts to improve and modernize the ICUA so Idaho credit unions could remain relevant to continue to provide the best financial services for members. He pointed out that credit unions were not-for-profit cooperatives focused on serving the people and communities.

**Mr. Fugal** stated several groups worked diligently with the IDOF to outline charter updates that provided a pathway to better serve Idaho Credit Union members. He outlined some of the changes in the bill.

**Richard Sherrick**, IDOF, testified in support of the bill. He stated there were no objections to this bill.

**MOTION:** **Senator Guthrie** moved to send **S 1295** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 3:00 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, February 22, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES APPROVAL:</b>	Minutes of February 8, 2022	Senator Souza
<b>MINUTES APPROVAL:</b>	Minutes of February 10, 2022	Senator Burgoyne
<b>MINUTES APPROVAL:</b>	Minutes of February 15, 2022	Senator Riggs
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Jerry Edgington, Idaho Health Insurance Exchange Board - Your Health Idaho	Jerry Edgington, Idaho Health Insurance Exchange Board - Your Health Idaho
<b>GUBERNATORIAL APPOINTMENT:</b>	Committee Consideration of the Gubernatorial Appointment of Cynthia Fairfax, Idaho Health Insurance Exchange Board - Your Health Idaho	Cynthia Fairfax, Idaho Health Insurance Exchange Board - Your Health Idaho
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Appointment of Lori Wolff, Administrator, Idaho Division of Human Resources	Senator Patrick

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Tuesday, February 22, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** Vice Chair Souza

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:33 p.m.

**Chairman Patrick** announced due to technical problems items would be taken out of order on the agenda.

**GUBERNATORIAL APPOINTMENT:** **Committee Consideration of the Gubernatorial Appointment of Cynthia Fairfax, Idaho Health Insurance Exchange Board (IHIEB) - Your Health Idaho (YHI).** **Ms. Fairfax** gave a brief overview of her background.

**DISCUSSION:** In response to questions from the Committee about what Ms. Fairfax had learned, she responded there was a time when she did not understand YHI. She noted she learned how to apply for insurance.

Senator Burgoyne asked questions about Ms. Fairfax's involvement in the IHIEB committees, if she had anyone mentoring her, what sparked her interest in the IHIEB, and what motivated her to serve on the IHIEB. **Ms. Fairfax** responded she was involved in the Finance Committee, which was the most complex and interesting. Because she knows some of the IHIEB members she became interested in how the process worked and a commitment she thought she could manage. **Ms. Fairfax** stated as a physician she saw people and recommended a course of action, but some may walk away due to lack of insurance. In answer to a question from Senator Burgoyne, **Ms. Fairfax** stated a combination of current systems would work to improve and provide equal access to medical care.

**Senator Lakey** queried what were some of the big issues to tackle in the next couple of years. **Ms. Fairfax** indicated education was one of the biggest issues in terms of disseminating information to others as to what was accessible and available.

**Chairman Patrick** announced the gubernatorial vote to confirm Ms. Fairfax to the IHIEB would take place at the next meeting.

**MINUTES APPROVAL:** **Senator Burgoyne** moved to approve the Minutes of February 10, 2022. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**Senator Riggs** moved to approve the Minutes of February 15, 2022. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**Senator Burgoyne** moved to approve the Minutes of February 8, 2022. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT VOTE:** **Committee Vote on the Gubernatorial Appointment of Lori Wolff, Administrator, Idaho Division of Human Resources (IDHR).**

**MOTION:** **Senator Martin** moved to send the gubernatorial appointment of Lori Wolff, Administrator, IDHR, to the floor with the recommendation she be confirmed. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Jerry Edgington, Idaho Health Insurance Exchange Board (IHIEB) - Your Health Idaho (YHI).** **Chairman Patrick** stated this gubernatorial reappointment hearing would be scheduled for the next meeting due to technical difficulties.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 1:52 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

**AMENDED AGENDA #1**  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Thursday, February 24, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<b>MINUTES APPROVAL:</b>	Minutes of February 17, 2022	Senator Lakey
<a href="#"><u>H 517</u></a>	OCCUPATIONAL LICENSING - Amends existing law to provide exceptions for certain disciplinary actions against dentists.	Jeremy Chou, Centurion Health
<b>GUBERNATORIAL REAPPOINTMENT:</b>	Committee Consideration of the Gubernatorial Reappointment of Jerry Edgington, Idaho Health Insurance Exchange Board - Your Health Idaho	Jerry Edgington, Idaho Health Insurance Exchange Board - Your Health Idaho
<b>GUBERNATORIAL APPOINTMENT VOTE:</b>	Committee Vote on the Gubernatorial Appointment of Cynthia Fairfax to the Idaho Health Insurance Exchange Board	Senator Patrick
<a href="#"><u>H 551</u></a>	PERSI - Amends existing law to provide board authority to issue subpoenas.	Don Drum, Executive Director, Public Employees Retirement System of Idaho
<a href="#"><u>H 552</u></a>	PERSI - Amends existing law to provide for withdrawal penalty payments and to revise a provision regarding partial withdrawal.	Don Drum
<a href="#"><u>H 553</u></a>	PERSI - Adds to existing law to require background checks for certain PERSI employees.	Don Drum
<a href="#"><u>RS 29654</u></a>	Relating to Commercial Transactions - Unanimous Consent Request for Referral to a Privileged Committee for Printing.	Senator Wintrow

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**

**DATE:** Thursday, February 24, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza (Funk), Senators Martin, Lakey, Guthrie, Agenbroad, Riggs, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** None

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Chairman Patrick** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:32 p.m.

**MINUTES APPROVAL:** **Senator Lakey** moved to approve the Minutes of February 17, 2022. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**H 517** **OCCUPATIONAL LICENSING - Amends existing law to provide exceptions for certain disciplinary actions against dentists.** **Mr. Chou** noted this legislation allowed dentists who work at the Idaho Department of Corrections (IDOC), employees of the vendor providing health services to the IDOC, or employees of a subcontractor of the vendor providing health services to IDOC to be employees of the IDOC. Currently, in Idaho, dentists may practice on their own behalf, as a professional services corporation, a professional limited liability company, a limited managed care plan, or an employee of a health center as defined under the Public Health Service Act. **Mr. Chou** reported this legislation ensured the Board of Dentistry could provide oversight by obtaining access to dental records and documents, and conduct enforcement proceedings if needed. In this limited circumstance of a dentist working with inmates, all dental records and documents for dental services at the IDOC are kept in Idaho and easily accessible by the Board of Dentistry. No additional funds or State effort was needed to change a dentist's employment status.

**MOTION:** **Senator Ward-Engelking** moved to send **H 517** to the floor with a **do pass** recommendation. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL REAPPOINTMENT:** **Committee Consideration of the Gubernatorial Reappointment of Jerry Edgington to the Idaho Health Insurance Exchange Board (IHIEB).** **Mr. Edgington** testified remotely. He gave a brief background of his experience. He stated he was the chair of the Marketplace Committee and would retire soon.

**DISCUSSION:** **Senator Martin** thanked Mr. Edgington for his service.

**GUBERNATORIAL REAPPOINTMENT VOTE:** **Senator Burgoyne** moved to send the gubernatorial reappointment of Jerry Edgington to the IHIEB. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**GUBERNATORIAL APPOINTMENT VOTE:** **Senator Agenbroad** moved to send the gubernatorial appointment of Cynthia Fairfax to the IHIEB. **Senator Riggs** seconded the motion. The motion carried by **voice vote**.



**H 551**                    **PERSI - Amends existing law to provide board authority to issue subpoenas.** **Don Drum**, Executive Director, Public Employees Retirement System of Idaho (PERSI), stated this was an addition of the subpoena authority of the PERSI Board noted in Idaho Code § 59-1305, Powers and Duties of the Board, providing the authority for the PERSI Board to compel production of evidence from financial institutions deemed necessary in connection with a disputed claim or in the exercise of duties. **Mr. Drum** noted this bill provided for the enforcement of subpoenas regarding financial institutions by the district courts of Ada County. He noted this legislation may have a positive impact on the dedicated fund because it would assist the PERSI Board in collection efforts to recoup overpayments to deceased members by compelling financial institutions to disclose the recipient of overpayments.

**MOTION:**                **Senator Ward-Engelking** moved to send **H 551** to the floor with a **do pass** recommendation. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

**H 552**                    **PERSI - Amends existing law to provide for withdrawal penalty payments and to revise a provision regarding partial withdrawal.** **Don Drum**, Executive Director, PERSI, remarked this bill replaced the term "liability" with the term "penalty" in Idaho Code § 59-1326. The term "penalty" provided for a better understanding during the bankruptcy process. **Mr. Drum** stated this legislation may have a positive impact on the State's General Fund or any dedicated or federal fund, because the change would result in larger recoveries in bankruptcy. While the PERSI fund was unaware of any pending bankruptcies, the improvement of status in bankruptcy proceedings could positively impact collection efforts.

**MOTION:**                **Senator Ward-Engelking** moved to send **H 552** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**H 553**                    **PERSI - Adds to existing law to require background checks for certain PERSI employees.** **Don Drum**, Executive Director, PERSI, stated this bill was a request for statutory authority, in cooperation with the Idaho State Police (ISP), to perform Federal Bureau of Investigation (FBI) criminal history checks. Due to the nature of the information PERSI houses, access to the information by PERSI staff, the financial and investment transaction performed, there was a desire to maximize the ability to do a background check on employees. **Mr. Drum** indicated this legislation would have a minimal annual impact on the dedicated fund, depending upon turnover in positions that would require a national FBI criminal history background check. A fee would be charged to impacted individuals to cover the cost of undergoing a criminal history check.

**MOTION:**                **Senator Agenbroad** moved to send **H 553** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**RS 29654**                **Relating to Commercial Transactions, Property - Unanimous Consent Request for Referral to a Privileged Committee for Printing.** **Chairman Patrick** noted this RS established the notification process for a credit transaction secured by a subordinate lien on real property when the senior mortgage or other senior secured interest on real property came under foreclosure.

**MOTION:**                **Chairman Patrick** asked for unanimous consent to send **RS 29654** to the State Affairs Committee for a print hearing. There were no objections.

**ADJOURNED:**            There being no further business at this time, **Chairman Patrick** adjourned the meeting at 1:50 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary

AGENDA  
**SENATE COMMERCE & HUMAN RESOURCES COMMITTEE**  
**1:30 P.M.**  
**Room WW54**  
**Tuesday, March 01, 2022**

For members of the public to observe the meeting, please click on the following link:  
<https://www.idahoptv.org/shows/idahoinsession/ww54/>

SUBJECT	DESCRIPTION	PRESENTER
<b>MINUTES APPROVAL:</b>	Minutes of February 22, 2022	Senator Martin
<b>MINUTES APPROVAL:</b>	Minutes of February 24, 2022	Senator Guthrie
<a href="#"><u>RS 29670</u></a>	Relating to Occupational Licensing Reform - Unanimous Consent Request for Referral to a Privileged Committee for Printing.	Kate Haas, Oppor. Solutions Project
<a href="#"><u>H 556</u></a>	SECURITIES - Amends existing law to provide correct terminology, to clarify provisions regarding disciplinary conditions, to revise provisions regarding the statute of limitations, and to provide references to United States Code.	Anthony Polidori, Deputy Director, Idaho Department of Finance
<a href="#"><u>H 609</u></a>	LIENS OF MECHANICS AND MATERIALMEN - Amends existing law to revise provisions regarding a claim of a lien and to provide for attorney's fees and costs in certain instances.	Rep. Troy
<a href="#"><u>H 612</u></a>	OCCUPATIONAL LICENSING - Adds to existing law to provide for the expungement of certain disciplinary action related to licensure.	Senator Lakey
<a href="#"><u>H 463</u></a>	DEPARTMENT OF ADMINISTRATION - Amends existing law to increase the authorized limitation for public works projects.	Keith Reynolds, Director, Idaho Department of Administration
<a href="#"><u>H 594</u></a>	HUMAN RESOURCES DIVISION - Amends and repeals existing law to provide for consistency of terminology with respect to state employees.	Rep. Horman

***Public Testimony Will Be Taken by Registering Through the Following Link:***  
***[Register to Testify](#)***

***If you have written testimony, please provide a copy to the committee secretary.***

COMMITTEE MEMBERS

Chairman Patrick  
Vice Chairman Souza  
Sen Martin  
Sen Lakey  
Sen Guthrie

Sen Agenbroad  
Sen Riggs  
Sen Ward-Engelking  
Sen Burgoyne

COMMITTEE SECRETARY

Linda Kambeitz  
Room: WW46  
Phone: 332-1333  
Email: [scom@senate.idaho.gov](mailto:scom@senate.idaho.gov)

MINUTES

## SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

**DATE:** Tuesday, March 01, 2022

**TIME:** 1:30 P.M.

**PLACE:** Room WW54

**MEMBERS PRESENT:** Chairman Patrick, Vice Chairman Souza, Senators Martin, Lakey, Guthrie, Agenbroad, Ward-Engelking, and Burgoyne

**ABSENT/ EXCUSED:** Senator Riggs

**NOTE:** The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

**CONVENED:** **Vice Chair Souza** called the meeting of the Senate Commerce and Human Resources Committee (Committee) to order at 1:30 p.m.

**MINUTES APPROVAL:** **Vice Chair Souza** announced the approval of the Minutes of February 22, 2022 would be heard later in the meeting.

**Senator Guthrie** moved to approve the Minutes of February 24, 2022. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**RS 29670** **Relating to Occupational Licensing Reform - Unanimous Consent Request for Referral to a Privileged Committee for Printing.** **Kate Haas**, Opportunity Solutions Project, noted this legislation was a terminology clean-up bill consistent with the Occupational Licensing Reform Act (OLRA) passed by the Idaho Legislature in 2020. The reform bill created a new process for how licensing boards considered and evaluated an applicant's past criminal conviction in Idaho Code § 67, Chapter 94. The 2020 bill removed licensure denials on the basis of vague or generic terminology related to a criminal conviction, including "moral turpitude" or "moral character." She said the bill reduced confusion and conflict in law by updating all Idaho Division of Occupational and Professional Licensing (IDOPL) boards and commission statute references in alignment with Idaho Code. **Ms. Haas** stated the bill would create clear direction for licensing boards when considering applications.

**MOTION:** **Senator Burgoyne** asked for unanimous consent to send **RS 29670** to the Judiciary and Rules Committee for a print hearing. There were no objections.

**H 556** **SECURITIES - Amends existing law to provide correct terminology, to clarify provisions regarding disciplinary conditions, to revise provisions regarding the statute of limitations, and to provide references to United States Code.** **Anthony Polidori**, Deputy Director, Idaho Department of Finance (IDOF), explained the proposed legislation clarified the application of denial or suspension actions specific to certain registrants. He said, additionally, the legislation made non-substantive technical corrections to various sections of the statute. Also, the legislation amended provisions that limited the ability of investors to obtain relief in a private right of action.

**Mr. Polidori** pointed out there was no impact to the General Fund, the IDOF State Regulatory Fund (FIAA), or federal fund because license application fees collected by the IDOF were not altered nor the application of the Idaho Uniform Securities Act (IUSA) registration requirements to entities conducting covered activities in Idaho.

**DISCUSSION:** **Senator Burgoyne** commented the changes on page 8 regarding the statute of limitations was a big improvement.

**MOTION:** **Senator Agenbroad** moved to send **H 556** to the floor with a **do pass** recommendation. **Senator Ward-Engelking** seconded the motion. The motion carried by **voice vote**.

**H 609** **LIENS OF MECHANICS AND - Amends existing law to revise provisions regarding a claim of a lien and to provide for attorney's fees and costs in certain instances.** **Senator Guthrie** remarked the proposed legislation amended Idaho Code to clarify the materials lien process must include certain documentation and notification, and the prevailing party would be entitled to recover attorney fees.

**Senator Guthrie** noted there was no cost to the General Fund or to local municipalities because the lien process was already in place. There would be a nominal cost to the potential claimant for the notification process.

**MOTION:** **Senator Ward-Engelking** moved to send **H 609** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**.

**H 612** **OCCUPATIONAL LICENSING - Adds to existing law to provide for the expungement of certain disciplinary action related to licensure.** **Senator Lakey** noted this legislation allowed an Idaho licensing authority to consider and grant a request for the expungement of disciplinary action previously imposed on a person's occupational license. A licensing authority would be required, upon request, to expunge any prior disciplinary action based on failure to timely renew a license or failure to complete required continuing education. He stated this legislation removed all requirements for a licensee to report expunged disciplinary action on future licensing or renewal applications in Idaho. However, this bill did not apply to civil or criminal convictions.

**Senator Lakey** remarked there was no impact to the General Fund, dedicated, or federal funds. There was no impact to the dedicated funds of licensing boards, as any expungement request could be reviewed by a licensing authority in a timely manner at regularly scheduled board or commission meetings.

**Senator Lakey** requested this bill be sent to the 14th Order of Business for possible amendment. He noted Subsection 5, § 28-310(2) should be corrected to reflect that the person needed to continue to maintain proper conduct because if there was a second violation of the same nature, that showed a pattern.

**DISCUSSION:** **Senator Burgoyne** and **Senator Lakey** discussed how things were handled when there was an expungement at the State level versus the criminal side. **Senator Lakey** remarked that expungement was less of an issue with the State system.

**MOTION:** **Senator Martin** moved to send **H 612** to the 14th Order of Business for possible amendment. **Senator Burgoyne** seconded the motion. The motion carried by **voice vote**.

**MINUTES APPROVAL:** **Senator Martin** moved to approve the Minutes of February 22, 2022. **Senator Guthrie** seconded the motion. The motion carried by **voice vote**.

**H 463**

**DEPARTMENT OF ADMINISTRATION - Amends existing law to increase the authorized limitation for public works projects.** **Keith Reynolds**, Director, Idaho Department of Administration (IDOA), affirmed this legislation increased the limit for the delegation of public works projects from \$150,000 to \$300,000. He explained the limit had not been increased since 1996. The delegation of projects was requested by agencies based on in-house project management capability with approval at the discretion of the Permanent Building Fund Advisory Council (PBFAC).

**Mr. Reynolds** stated there was no impact to the General Fund, any dedicated, or federal fund because projects would only be delegated to agencies with available resources.

**MOTION:**

**Senator Lakey** moved to send **H 463** to the floor with a **do pass** recommendation. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

**PASSED THE GAVEL:**

Vice Chair Souza passed the gavel to Chairman Patrick.

**H 594**

**HUMAN RESOURCES DIVISION - Amends and repeals existing law to provide for consistency of terminology with respect to state employees.** **Lori Wolff**, Administrator, Idaho Division of Human Resources (IDHR), reported the purpose of the legislation was to add clarification on how State law was applied to all State employees, while also clarifying which sections of Idaho's personnel system laws applied to classified employees. She stated adding inclusive language to include "classified and nonclassified state employees" would help to ensure employee best practice standards were applied across all State employees in the executive department and provide a foundation for decision and policies. The changes would further clarify that only classified State employees were subject to the merit system and due process.

**Ms. Wolff** indicated there was no impact to the General Fund, any dedicated or federal fund because clarification was added to current statute language.

**DISCUSSION:**

In response to several questions by Senator Burgoyne about the language in the bill outlining the definition and difference between non-classified and classified employees, **Ms. Wolff** pointed out that not every section of the bill would apply to non-classified employees. There were certain sections that applied to classified employees and to non-classified employees. They discussed the removal of health districts which was located in another section of code. **Ms. Wolff** indicated there was no intent to do anything with public health districts.

**Senator Guthrie** and **Ms. Wolff** discussed the intention was not to make any changes, but rather to provide clarity as to how sections of code applied. They discussed the mitigation of concerns for employees, especially at the universities, and the non-interference with faculty staff contracts. **Ms. Wolff** noted many changes were made to accommodate the support for this legislation. She noted the IDHR worked with Risk Management to make sure clarity was provided as to how the State laws applied.

**Senator Agenbroad** and **Ms. Wolff** discussed how the Idaho employment rules applied to boards and commissions. She stated these rules applied to all of the agencies and commissions who reported to the Governor.

**Senator Burgoyne** said he had more questions and wanted to meet with someone from IDHR to clarify some of the wording. He stated he thought this bill should be sent to the 14th Order of Business for possible amendment.

**Senator Martin** expressed a concern if the bill was held he was worried about the transmittal date deadline.

**MOTION:** **Senator Martin** moved to hold **H 594** in Committee until the next meeting. **Senator Burgoyne** seconded the motion.

**SUBSTITUTE MOTION:** **Senator Guthrie** moved to send **H 594** to the floor with a **do pass** recommendation. **Senator Agenbroad** seconded the motion. The motion carried by **voice vote**. Senators Burgoyne and Ward-Engelking voted nay.

**ADJOURNED:** There being no further business at this time, **Chairman Patrick** adjourned the meeting at 2:16 p.m.

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Senator Patrick  
Chair

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Linda Kambeitz  
Secretary